Mojave Desert Air Quality Management District
Governing Board Meeting

Agenda

LOCATION
MOJAVE DESERT AQMD BOARD CHAMBERS
14306 PARK AVENUE VICTORVILLE, CA 92392
www.mdaqmd.ca.gov
MONDAY, AUGUST 27, 2018
10:00 AM

TELECONFERENCE LOCATION(S)

San Bernardino County Government Center
385 N. Arrowhead Ave., Fifth Floor
San Bernardino, CA 92415

Riverside County Board of Supervisors
73-710 Fred Waring Drive, Ste. 222
Palm Desert, CA 92260

Blythe City Hall, Conference Room A
235 N. Broadway
Blythe, CA 92225

IF YOU CHALLENGE ANY DECISION REGARDING ANY OF THE LISTED PROPOSALS IN COURT, YOU MAY BE LIMITED TO RAISING ONLY THOSE ISSUES YOU OR SOMEONE ELSE RAISED DURING THE PUBLIC TESTIMONY PERIOD REGARDING THAT PROPOSAL OR IN WRITTEN CORRESPONDENCE DELIVERED TO THE GOVERNING BOARD AT, OR PRIOR TO, THE PUBLIC HEARING.

DUE TO TIME CONSTRAINTS AND THE NUMBER OF PERSONS WISHING TO GIVE ORAL TESTIMONY, PUBLIC COMMENTS ARE LIMITED TO THREE MINUTES PER SPEAKER. YOU MAY WISH TO MAKE YOUR COMMENTS IN WRITING TO ASSURE THAT YOU ARE ABLE TO EXPRESS YOURSELF ADEQUATELY.

Except where noted, all scheduled items will be heard in the Chamber of the Governing Board, Mojave Desert AQMD Offices, 14306 Park Avenue, Victorville, CA and the teleconference location(s). Please note that the Board may address items in the agenda in a different order than the order in which the item has been posted.

CALL TO ORDER 10:00 A.M.

Pledge of Allegiance.

Roll Call.

Items with potential Conflict of Interests - for information only. A. Item #9. Mitsubishi Cement Corporation, principals and agents and Governing Board Members and District officers. B. Item #14. Brad Poiriez and Governing Board Members.

CLOSED SESSION

1. PUBLIC EMPLOYEE PERFORMANCE EVALUATION (Government Code Section 54957). Title: Executive Director.

2. CONFERENCE WITH LABOR NEGOTIATORS (Government Code Section 54957.6). Agency Designated Representative: Personnel Committee. Unrepresented Employee: Executive Director.

3. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION Name of Case: Michele Baird vs MDAQMD et. al CIVDS 1612446 San Bernardino County Superior Court (Government Code Section 54956.9)

4. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION Name of Case: Victor Ramirez vs MDAQMD et. al CIVDS 1809642 San Bernardino County Superior Court (Government Code Section 54956.9).

OPEN SESSION

Disclosure of any Reportable action taken in Closed Session; and the Vote and Abstention of every Member Present in the Closed Session

CONSENT CALENDAR

5. Approve Minutes from Regular Governing Board Meeting of June 25, 2018.

6. Approve the First Amendment to the Agreement between the Mojave Desert Air Quality Management District (MDAQMD) and the Antelope Valley Air Quality Management District (AVAQMD) to extend the term of the contracted services to the AVAQMD and authorize the Chairman to execute the Agreement. Presenter: Brad Poiriez, Executive Director/APCO.

7. Amend the Districts Classification Plan and replace the Class Specification for the Air Pollution Control Officer (APCO) position. Presenter: MDAQMD Personnel Committee - James L. Cox, Barbara Riordan, Barb Stanton and John Cole.

8. Amend the Districts Classification Plan to add new classifications and assign pay ranges, revise existing classifications; and inform the Board regarding other administrative matters. Presenter: Brad Poiriez, Executive Director/APCO.

9. 1) Award an amount not to exceed $323,712 from the Mobile Source Emissions Reduction Fund Pool to Mitsubishi Cement Corporation to replace a 1979 Short Locomotive and a 1982 Detroit Diesel Trackmobile with a newer, cleaner engine technology; and 2) Authorize the Executive Director/APCO and staff to negotiate target time frames and technical project details and execute an agreement, approved as to legal form by the Office of District Counsel. Presenter: Jorge Camacho, Grants Specialist.

10. Receive and file the Financial Report for FY 17, the period June 2018 which provides financial information and budget performance concerning the fiscal status of the District. Presenter: Jean Bracy, Deputy Director - Administration.

11. Receive and file the Legislative Report for July 26, 2018. Presenter: Brad Poiriez.

ITEMS FOR DISCUSSION

12. DEFERRED ITEMS.

13. PUBLIC COMMENT.

14. Consider recommendation(s) of the Personnel Committee and discuss a potential Amendment to the Employment Agreement ("Master Agreement") with the Executive Director/Air Pollution Control Officer; adopt the Amendment; authorize the Chairman of the Governing Board to execute the amended agreement; and direct staff actions. Presenter: James L. Cox, Board Chair.

15. Conduct a public hearing to consider the amendment of Regulation III Fees specifically the amendment of Rule 301 Permit Fees, Rule 302 Other Fees, and Rule 303 Hearing Board Fees and the adoption of Rule 300 Delinquency Penalty: a. Open public hearing; b. Receive staff report; c. Receive public testimony; d. Close public hearing; e. Make a determination that the CEQA Categorical Exemption applies; f. Waive reading of Resolution; g. Adopt Resolution making appropriate findings, certifying the Notice of Exemption amending Rules 301, 302, and adopting Rule 300. Presenter: Alan De Salvio, Deputy Director - Mojave Desert Operations.

16. Conduct a Public Hearing to receive comments and staff presentation for the proposed MDAQMD Budget for FY 2018-19: a. Open public hearing; b. Receive staff report; c. Receive public testimony; d. Close public hearing and continue the item to the Governing Board meeting of June 25, 2018 for adoption. Presenter: Jean Bracy, Deputy Director - Administration.

17. Reports: Executive Director.

18. Board Members Comments and Suggestions for future agenda items.

In compliance with the Americans with Disabilities act, if special assistance is needed to participate in the Board Meeting, please contact Deanna Hernandez during regular business hours at 760.245.1661 x6244. Notification received 48 hours prior to the meeting will enable the District to make reasonable accommodations.

I hereby certify, under penalty of perjury, that this agenda has been posted 72 hours prior to the stated meeting in a place accessible to the public. Copies of this agenda and any or all additional materials relating thereto are available at the District Office at 14306 Park Avenue, Victorville, Ca 92392 or by contacting Deanna Hernandez at 760.245.1661 x6244 or by email at dhernandez@mdaqmd.ca.gov .

Mailed & Posted on: Tuesday, August 21, 2018.

Approved:

Karen K Nowak for

Deanna Hernandez

The following page(s) contain the backup material for Agenda Item: Approve Minutes from Regular Governing Board Meeting of June 25, 2018.

MOJAVE DESERT AIR QUALITY MANAGEMENT DISTRICT
REGULAR GOVERNING BOARD MEETING
MONDAY, JUNE 25, 2018 - 10:00 A.M.
BOARD CHAMBERS, MDAQMD OFFICES
VICTORVILLE, CA

DRAFT MINUTES

Board Members Present:

Jim Cox, Chair, City of Victorville
Ed Camargo, City of Adelanto
John Cole, City of Twentynine Palms
Carmen Hernandez, City of Barstow
Robert Leone, Town of Yucca Valley
Robert Lovingood, San Bernardino County
V. Manuel Perez, Riverside County
Barbara Riordan, Public Member
Paul Russ, City of Hesperia

Board Members Absent:

Jeff Williams, Vice Chair, City of Needles
Joseph "Joey" DeConinck, City of Blythe
James Ramos, San Bernardino County
Barb Stanton, Town of Apple Valley

CALL TO ORDER

Chair **JIM COX** called the meeting to order at 10:02 a.m.

Chair **JIM COX** asked Board Member **BARBARA RIORDAN** to lead the Pledge of Allegiance.

Chair **JIM COX** asked for roll call; roll was called. Chair **JIM COX** noted that Ms. Nowak was substituting for Ms. Hernandez today.

Chair **JIM COX** indicated that there were no items with potential conflict of interest – for information only: None.

Chair **JIM COX** called for **PUBLIC COMMENT** – Hearing none, **JIM COX** noted that there were a variety of dignitaries in the audience to present commendations on the MDAQMD's 25th anniversary and directed that these presentations be made at this time. Mr. Poiriez made some general remarks regarding the District's history. Board Member **BARBARA RIORDAN** provided general remarks as one of the longest serving members and as a member of the California Air Resources Board. Mr. Dakota Higgins presented a resolution on behalf of 8th District U.S. Congressman Col. Paul Cood (Ret.). Ms. Rebecca Tennison presented a resolution on behalf of 21st District California Senator Mr. Scott Wilke. Mr. Chris Nunez presented a resolution on behalf of 33rd District Assemblyman Mr. Jay Obernolte. Board Member **MANUEL PEREZ** presented, via video

conference, a proclamation from the County of Riverside. Board Member **ROBERT LOVINGOOD** presented a resolution on behalf of the County of San Bernardino.

CLOSED SESSION

Chair **JIM COX** inquired whether a closed session was necessary. The Executive Director indicated that it was note. Upon Motion by Board Member **ROBERT LOVINGOOD**, seconded by Board Member **BARBARA RIORDAN** and carried by unanimous roll call vote, the Board waived the following closed sessions.

Agenda Item 1 - CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION Name of Case: Michele Baird vs MDAQMD et. al CIVDS 1612446 San Bernardino County Superior Court (Government Code Section 54956.9)**.**

Agenda Item 2 - CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION Name of Case: Victor Ramirez vs MDAQMD et. al CIVDS 1809642 San Bernardino County Superior Court (Government Code Section 54956.9).

OPEN SESSION - Disclosure of any Reportable Action(s) taken in Closed Session(s); and the Vote and Abstention of Every Member Present in the Closed Session.

Closed session was waived.

CONSENT CALENDAR – Chair JIM COX polled the Board to determine if any member wished to pull an item on the consent calendar, specifically Agenda Item 5. Upon hearing none the Chair pulled Agenda Item 6 to as potentially unnecessary if Agenda Item 5 passed. The following consent items were acted upon by the Board at one time without discussion, upon motion by Board Member **PAUL RUSS**, seconded by Board Member **JOHN COLE**, and carried by the following roll call vote, with nine **AYES** votes by Board Members **ED CAMARGO**, **JOHN COLE, JIM COX, CARMEN HERNANDEZ, ROBERT LEONE, ROBERT LOVINGOOD, V. MANUEL PEREZ, BARBARA RIORDAN,** and **PAUL RUSS** as follows:

Agenda Item 3 – Approve Minutes from Regular Governing Board Meeting of June 11, 2018.
Approved Minutes from Regular Governing Board Meeting of June 11, 2018.

Agenda Item 4 – Authorize the acceptance of the Emission Inventory District Grant (AB 197) from the California Air Resource Board (CARB) estimated amount of $38,267 to be used to review and update data currently stored or being uploaded into the California Emissions Inventory Development and Reporting System (CEIDARS) database; Authorize the Executive Director/APCO to execute the agreement approved as to legal form; and to direct staff actions.
Authorized the acceptance of the Emission Inventory District Grant (AB 197) from the California Air Resource Board (CARB) estimated amount of $38,267 to be used to review and update data currently stored or being uploaded into the California Emissions Inventory Development and Reporting System (CEIDARS) database; **Authorized** the Executive Director/APCO to execute the agreement approved as to legal form; and to direct staff actions.

Agenda Item 5 – Adopt a resolution approving and adopting the budget for FY 2018-19.
Adopted Resolution 18-14, titled, **"A RESOLUTION OF THE GOVERNING BOARD OF THE MOJAVE DESERT AIR QUALITY MANAGEMENT DISTRICT APPROVING AND ADOPTING THE PROPOSED OPERATING BUDGET FOR FISCAL YEAR 2018-19."**

Agenda Item 6 – Approve spending authority for the District consistent with the Fiscal Year 2017-18 Budget until the FY 2018-19 Budget is adopted.
Chair **JIM COX** withdrew item as unnecessary as the previous item #5 was adopted.

Agenda Item 7 – Receive and file the Legislative Report for June 8, 2018.
Received and filed the Legislative Report for June 8, 2018.

Agenda Item 8 – DEFERRED ITEMS.
None.

Agenda Item 9 – PUBLIC COMMENT.
None.

Agenda Item 10 – Conduct a continued public hearing to consider the amendment of Regulation III – Fees specifically the amendment of Rule 301 – Permit Fees, Rule 302 – Other Fees, and Rule 303 – Hearing Board Fees and the adoption of Rule 300 – Delinquency Penalty: a. Open public hearing; b. Receive staff report; c. Receive public testimony; d. Close public hearing; e. Make a determination that the California Environmental Quality Act (CEQA) Categorical Exemption applies; f. Waive reading of Resolution; g. Adopt Resolution making appropriate findings, certifying the Notice Exemption, amending Rules 301, 302, and 303, adopting Rule 300, and directing staff actions.
Chair **JIM COX** opened the public hearing. Staff Member Alan De Salvio presented the staff report. Chair **JIM COX** solicited public comment, being none, Chair **JIM COX** closed the public hearing. Chair **JIM COX made** a determination that the California Environmental Quality Act (CEQA) Categorical Exemption applies and **waived** reading of Resolution. Upon motion by Board Member **ROBERT LOVINGOOD**, seconded by Board Member **PAUL RUSS**, and carried by the following roll call vote, with nine **AYES** votes by Board Members **ED CAMARGO**, **JOHN COLE, JIM COX, CARMEN HERNANDEZ, ROBERT LEONE, ROBERT LOVINGOOD, V. MANUEL PEREZ, BARBARA RIORDAN,** and **PAUL RUSS** the Board **adopted RESOLUTION 18-15, titled, "A RESOLUTION OF THE GOVERNING BOARD OF THE MOJAVE DESERT AIR QUALITY MANAGEMENT DISTRICT MAKING FINDINGS, CERTIFYING THE NOTICE OF EXEMPTION, AMENDING RULES 301, 302, AND 303, ADOPTING RULE 300, AND DIRECTING STAFF ACTIONS."**

Agenda Item 11 – Reports:
Notes from Mr. Poiriez:

- Next Board meeting is August 27, 2018. No meeting in July; Personnel Committee Meetings are scheduled July 10, 2018 and July 30, 2018. Personnel Committee members have been provided packets.

Mr. Poiriez updated the Board of past events:

- June 12th – attended CAPCOA Board meeting focusing on the following topics: AB 617 update with

CARB Management that included program status, emissions reporting, BACT/BARCT clearing house, community selection process; CARB Research work briefing; CAPCOA/CALRECYCLE/CARB composting white paper – rough draft coming soon – present for public comment in July – will drive most Districts to do a compost rule; CAPCOA Legislative Committee:

- The State Budget was adopted June 14th; State Legislature will recess July 6th and resume in August – most likely "Greenhouse Gas Reduction Funding" (where a lot of incentive grant programs are now) will probably be taken up in at that time;
- Bills in the Legislature potentially affecting the MDAQMD: SB 64 as currently written requires power plants to shut down when the local air district declares an "unhealthy" air day. This bill will be going to the Utilities commission where it faces stiff opposition. CAPCOA has taken an oppose unless amended position; SB 327 (a South Coast AQMD bill only) would require fleets more than 15 vehicles trade out up to 15% of their fleet per year with cleanest vehicles – CAPCOA is currently supporting South Coast AQMD efforts;
- June 21st – Conference call with CARB & South Coast AQMD regarding withdrawal of South East Desert 1-hour Ozone SIP, moving forward with withdrawing and working with EPA;

Mr. Poiriez updated the Board of upcoming events:

- June 27th – Conference call with South Coast AQMD regarding "trade-up" locomotion efforts targeting Barstow rail yard focusing on contract language in South Coast AQMD jurisdiction requiring newer units replaced in South Coast AQMD jurisdiction be designated to replace the Tier 0 units in Barstow.

Agenda Item 12 - Board Member Comments and Suggestions for Future Agenda Items.

- Board Member **JOHN COLE** expressed his congratulations upon the District's 25th Anniversary. He indicated that regulating a wide variety of business interests in such a large area was impressive.
- Board Member **ROBERT LEONE** requested that an item be placed on a future agenda to reiterate Board support for legislation giving local jurisdictions the authority to place speed limits on dirt roads.
- Board Member **CARMEN HERNANDEZ** expressed interesting in the pending composting white paper and requested the Executive Director to keep the Board updated.
- Board Member **ROBERT LOVINGOOD** requested that the District investigate a potential action applicable to the South Coast Air Quality Management District which would allegedly require monitoring of warehousing and distribution sites with provisions for immediate shutdown of such sites if certain emissions levels are exceeded.
- Board Member **PAUL RUSS** congratulated District staff on 25 years of exemplary service to the High Desert.
- Board Member **V. MANUEL PEREZ** again congratulated the District upon its 25th Anniversary.

Being no further business Chair **JIM COX** adjourned the meeting at **10:51 a.m.** to the next Regular Meeting of ***August 27, 2018.***

The following page(s) contain the backup material for Agenda Item: Approve the First Amendment to the Agreement between the Mojave Desert Air Quality Management District (MDAQMD) and the Antelope Valley Air Quality Management District (AVAQMD) to extend the term of the contracted services to the AVAQMD and authorize the Chairman to execute the Agreement. Presenter: Brad Poiriez, Executive Director/APCO.

MINUTES OF THE GOVERNING BOARD
OF THE MOJAVE DESERT AIR QUALITY MANAGEMENT DISTRICT
VICTORVILLE, CALIFORNIA

AGENDA ITEM #6

DATE: August 27, 2018

RECOMMENDATION: Approve the First Amendment to the Agreement between the Mojave Desert Air Quality Management District (MDAQMD) and the Antelope Valley Air Quality Management District (AVAQMD) to extend the term of the contracted services to the AVAQMD and authorize the Chairman to execute the Agreement.

SUMMARY: This item approves the First Amendment to the Agreement between the MDAQMD and the AVAQMD to extend the term of the contracted services to the AVAQMD and authorize the Chairman to execute the Agreement

CONFLICT OF INTEREST: None

BACKGROUND: Since July 1, 1997 the MDAQMD has provided under contract all of the services required for the AVAQMD to perform its regulatory duties within the jurisdictional boundaries of the AVAQMD. The largest expense is the cost of personnel and the MDAQMD provides the equivalent of 7.0 full time employees. In late 2015 the Governing Boards of the AVAQMD and MDAQMD approved a new agreement for services to continue the arrangement that had been in place since July 1, 1997. This agreement went into effect on January 1, 2016. During the two years since implementation, both Districts have benefited from the flexibility allowed in the improved scope of work, the clarity of the description in the scope of services, and the transparency that resulted from the streamlining of those services.

The Board Chair of the AVAQMD Governing Board, Mr. Marvin Crist, on behalf of the Board has extended to the MDAQMD the opportunity to amend the current contract to extend services for five years, effective September 1, 2018. The contract is advantageous for AVAQMD by providing a cost effective method to expand the knowledge base and range of capabilities by contracting various services, as needed, from the MDAQMD. The contract service fee is a revenue source for the MDAQMD. In addition, by combining agencies in statewide initiatives the Districts have the opportunity for a stronger voice.

This action recommends that the Governing Board approve the First Amendment to the Agreement to continue contracting services with the AVAQMD for five years, with a two year option to extend, effective September 1, 2018. The new term will be September 1, 2018 to June 30, 2023, with an option to extend two additional years, to June 30, 2025. In addition is authorizes the MDAQMD Board Chair to execute the Amendment.

REASON FOR RECOMMENDATION: Governing Board approval is required to enter into and amend Agreements.

REVIEW BY OTHERS: This item was reviewed by Karen Nowak, District Counsel as to legal form on or about August 6, 2018.

FINANCIAL DATA: No increase in appropriation is anticipated.

PRESENTER: Brad Poiriez, Executive Director/APCO

FIRST AMENDMENT
TO THE AGREEMENT BETWEEN THE
ANTELOPE VALLEY AIR QUALITY MANAGEMENT DISTRICT
AND THE MOJAVE DESERT AIR QUALITY MANAGEMENT DISTRICT

This agreement is made between the ANTELOPE VALLEY AIR QUALITY MANAGEMENT DISTRICT (AVAQMD) and the MOJAVE DESERT AIR QUALITY MANAGEMENT DISTRICT (MDAQMD).

RECITALS

WHEREAS, AVAQMD and the MDAQMD are the local agencies with the primary responsibility for the control of air pollution from all sources other than vehicular sources within their respective jurisdictions (Health & Safety Code §§39002, 40000); and

WHEREAS, the AVAQMD and the MDAQMD entered into the "Agreement between the Antelope Valley Air Quality Management District and the Mojave Desert Air Quality Management District on or about April 19, 2016 for the AVAQMD to contract from the MDAQMD services necessary to provide air pollution control services including administration and operations adequate to meet the regulatory and legislated responsibilities of an air quality management district within the AVAQMD jurisdiction; and

WHEREAS, the AVAQMD and the MDAQMD wish to extend the Agreement to allow the MDAQMD to continue to provide such services consistent with all applicable laws and regulations pursuant to the provisions of this agreement; and

NOW THEREFORE the parties to the Agreement agree as follows:

1. **Section 2, TERM OF AGREEMENT is deleted in its entirety and replaced with the following:**

   The term of this agreement shall be for a period of five (5) years commencing on September 1, 2018 and ending on June 30, 2023, with an option to continue for two (2) more years under the same terms and conditions, unless earlier terminated, extended, or modified as provided herein.

2. Section 3, SCOPE OF SERVICES is deleted in its entirety and replaced with the following:

The MDAQMD agrees to provide the administration, operations, and services as specified in "Scope of Materials and Services" (Exhibit "A"), attached and incorporated by this reference (collectively, the "Services"). MDAQMD and AVAQMD will mutually agree upon an annual budget for the Services based on a best estimate of the costs to provide such Services and historical data, which budget will be adopted by AVAQMD prior to the commencement of each fiscal year ("Annual Budget"). The Annual Budget will be subject to amendment in accordance with changes in the actual costs of goods and services provided by MDAQMD as described in Section 5(c). Exhibit 1 may be amended in whole or in part to reflect any changes or adjustments as directed by the actions of the Governing Boards of the AVAQMD and/or the MDAQMD. For purposes of interpretation of the scope and nature of the Services, the governing order of document precedence shall be first Exhibit 1 and second the current fiscal year budget for the AVAQMD, as amended.

3. Section 22, EFFECTIVE DATE is deleted in its entirety and replaced with the following:

This Agreement shall be effective September 1, 2018 for the term specified in Section 2.

This Agreement is executed in the city of Victorville, San Bernardino County, and in the city of Lancaster, Los Angeles County, California.

ANTELOPE VALLEY AIR QUALITY MANAGEMENT DISTRICT	MOJAVE DESERT AIR QUALITY MANAGEMENT DISTRICT
_____	_____
Marvin Crist, Chair	James L. Cox, Chair
Dated: _____	Dated: _____

Approved as to Legal Form

_____
ALLISON BURNS, Special Counsel to the Governing Board

Dated: _____

_____
PIERO C. DALLARDA, Special Counsel to the Governing Board

Dated: _____

END OF CONTRACT

AGREEMENT BETWEEN THE ANTELOPE VALLEY AIR QUALITY MANAGEMENT DISTRICT AND THE MOJAVE DESERT AIR QUALITY MANAGEMENT DISTRICT

This agreement is made between the ANTELOPE VALLEY AIR QUALITY MANAGEMENT DISTRICT (AVAQMD) and the MOJAVE DESERT AIR QUALITY MANAGEMENT DISTRICT (MDAQMD).

RECITALS

WHEREAS, AVAQMD and the MDAQMD are the local agencies with the primary responsibility for the control of air pollution from all sources other than vehicular sources within their respective jurisdictions (Health & Safety Code §§39002, 40000); and

WHEREAS, the AVAQMD has a jurisdiction as described in Health & Safety Code §41300(b) and more particularly described in AVAQMD Rule 103; and

WHEREAS, the MDAQMD has a jurisdiction as described in Health & Safety Code §41210(b) and more particularly described in MDAQMD Rule 103; and

WHEREAS, the AVAQMD and the MDAQMD have in common certain powers and duties as set forth in the applicable provisions of California law and of Division 26 of the California Health & Safety Code; and

WHEREAS, the AVAQMD agrees to contract from the MDAQMD services necessary to provide air pollution control services including administration and operations adequate to meet the regulatory and legislated responsibilities of an air quality management district within the AVAQMD jurisdiction; and

WHEREAS, the MDAQMD agrees to provide such services consistent with all applicable laws and regulations pursuant to the provisions of this agreement; and

WHEREAS, the AVAQMD and the MDAQMD together agree to enter into this agreement pursuant to the provisions of Title 1, Division 7, Chapter 5, Article 1 of the California Government Code (commencing with §6500).

In consideration of the mutual covenants and conditions the AVAQMD and the MDAQMD agree as follows:

TERMS AND CONDITIONS

1. PURPOSE

The purpose of this agreement is for the AVAQMD to contract from the MDAQMD certain administrative and operations services as AVAQMD and MDAQMD have determined are necessary to enable AVAQMD to meet the regulatory and legislated responsibilities of an air quality management district for compensation consistent with all applicable laws and regulations. This agreement is entered into pursuant to the provisions of Title 1, Division 7, Chapter 5, Article 1 of the California Government Code (commencing with §6500).

2. TERM OF AGREEMENT

The term of this agreement shall be for a period of five (5) years commencing on January 1, 2016 and ending on June 30, 2021, with an option to continue for two (2) more years under the same terms and conditions, unless earlier terminated, extended, or modified as provided herein. Although the agreement will become effective as of January 1, 2016, and the parties will commence planning for the 2016-2017 fiscal year, it is intended that the provision of Services pursuant to this agreement will commence on July 1, 2016. All Services that are provided between January 1, 2016 and June 30, 2016, will be subject to the existing agreement between MDAQMD and AVAQMD for administrative services.

3. SCOPE OF SERVICES

The MDAQMD agrees to provide the administration, operations, and services as specified in "Scope of Materials and Services" (Exhibit "A"), attached and incorporated by this reference (collectively, the "Services"). MDAQMD and AVAQMD will mutually agree upon an annual budget for the Services based on a best estimate of the costs to provide such Services and historical data, which budget will be adopted by AVAQMD prior to the commencement of each fiscal year ("Annual Budget"). The Annual Budget for the fiscal year commencing on July 1, 2016, is attached hereto as Exhibit "B". The Annual Budget will be subject to amendment in accordance with changes in the

actual costs of goods and services provided by MDAQMD as described in Section 5(c). Exhibit 1 may be amended in whole or in part to reflect any changes or adjustments as directed by the actions of the Governing Boards of the AVAQMD and/or the MDAQMD. For purposes of interpretation of the scope and nature of the Services, the governing order of document precedence shall be first Exhibit 1 and second the current fiscal year budget for the AVAQMD, as amended.

4. COMPENSATION

The MDAQMD shall perform its obligations under this agreement in accordance with the approved Annual Budget, as amended, each fiscal year during the term of this agreement or until the termination or expiration of this agreement. Compensation is based on the cost matrix as described below:

A. MDAQMD may purchase materials and supplies which will be reimbursed by the AVQMD at the actual cost of the material or supplies;

B. AVAQMD shall pay the pro rata portion of base salary and associated employment benefits for all time spent by Program Staff (as defined in Section 11) on AVAQMD matters as described in the Annual Budget.

C. The MDAQMD agrees to provide the following products and services in the scope of this agreement to the level used by the MDAQMD in the scope of its regular business practices: Questys (electronic file and content management system), AccuFund (accounting system), CAPS (Compliance and Permit System), AirVision (air monitoring data collection and reporting system). Where the AVAQMD has purchased and/or owns user licenses or enhancements, or chooses to enhance any of these services beyond the level used by MDAQMD, the AVAQMD agrees to cover the cost for the enhancements and related maintenance.

D. Except as provided in Paragraph C above, the MDAQMD may make available certain services or products for which they are the sole owner, or certain services or purchases from which both Districts derive relevant benefits. The MDAQMD may assess a proportionate share of the purchase cost and/or service costs to the AVAQMD not to

exceed a proportionate amount based on the ratio of operating permits between both Districts at the end of current fiscal year.

E. If additional services are required or requested over and above the services described in Exhibit 1 or which exceed the Annual Budget, as amended, then such services and associated costs shall be provided when directed and approved by the AVAQMD Governing Board.

F. AVAQMD will further pay a charge to cover administrative overhead and compensate MDAQMD for the indirect costs of delivering the services described herein. Said charge will be calculated as 14% of the total billed each month for services and will be added to the invoice.

5. PAYMENT OF COSTS

On a monthly basis or as necessary, the MDAQMD shall deliver to the AVAQMD an invoice for materials and services provided. The invoice shall include a description of the materials and services provided.

A. Payment for the costs of services and materials provided by the MDAQMD to the AVAQMD pursuant to this agreement shall be made at the direction of the AVAQMD Governing Board.

B. Professional services of MDAQMD staff will be billed monthly at 1/12 of the contracted amount approved in the annual AVAQMD Budget as set forth in the line item, "Program Staff."

C. Not less than quarterly, the MDAQMD will reconcile the actual costs to deliver the Services against the estimates approved in the Annual Budget. If the actual cost to deliver the Services exceeds the estimate in the Annual Budget, then MDAQMD will be entitled to invoice AVAQMD for such excess cost. If the actual cost to deliver the Services is less than the estimate in the Annual Budget, then MDAQMD will credit AVAQMD for such cost saving. If an increase or decrease in actual cost is expected to continue for the remainder of the fiscal year, then the Annual Budget and

the monthly billing will be modified accordingly, provided however, that with respect to increases in the Annual Budget, MDAQMD will cooperate with AVAQMD to find ways to mitigate such increases.

D. The AVAQMD shall pay the amount indicated on the invoice within forty-five (45) days of the date of the invoice. If the AVAQMD does not pay the amount indicated on the invoice within forty-five (45) days, interest may accrue on the unpaid amount at the legal rate of interest per annum or such rate as allowed by any subsequent amendment to California law.

In the event the AVAQMD disputes an amount indicated on an invoice, such dispute shall be resolved in accordance with the conflict resolution procedures as set forth in Section 8 below. In the event of such a dispute, interest will accrue on only that part of the disputed amount which is determined to be due and owing to the MDAQMD as provided in Section 4 above.

In the event of a breach or termination of this agreement, the MDAQMD is entitled to payment for Services actually performed and materials actually provided as of the date of the breach or termination. In such event the MDAQMD shall provide a final invoice as set forth above detailing the materials and services provided and hours expended for the period between the last date indicated on the previous invoice to the date of the breach or termination. The final invoice will include the cost of MDAQMD to transition all Dedicated Staff, as defined in Section 11, and for AVAQMD to assume all Personnel Costs as set forth in Section 11.

6. INDEMNITY AND LIABILITY

AVAQMD and MDAQMD shall, to the extent authorized by law, indemnify and hold harmless each other, their agents and employees against all liabilities arising out of or connected with the performance of this agreement.

In the event litigation is threatened or commenced by a third party regarding negligent acts or omissions of the AVAQMD, its officers, volunteers and authorized agents while performing services for the AVAQMD to which the MDAQMD becomes a party, the AVAQMD shall retain and bear all litigation costs of the AVAQMD and MDAQMD engendered by such litigation.

In the event litigation is threatened or commenced by a third party regarding negligent acts or omissions of the MDAQMD, its officers, employees, volunteers and authorized agents while performing services for the MDAQMD to which the AVAQMD becomes a party, the MDAQMD shall retain and bear all litigation costs of the AVAQMD and MDAQMD engendered by such litigation.

For the purposes of this section, negligent acts and omissions include, but not limited to, the following: the adoption and implementation of rules, regulations, plans and policies; the issuance of permits; the issuance and management of grants and grant programs; the performance of duties under the California Environmental Quality Act Pub. Res. Code 21000 et seq.); and the enforcement of rules, regulations, and orders of either the AVAQMD or MDAQMD. Notwithstanding the foregoing MDAQMD staff will not be considered to be acting negligently if they properly carry out the rules, regulations, plans and policies adopted by AVAQMD. AVAQMD remains solely responsible for such rules, regulations, permit issuance, grant activities, plans and policies, as well as defending any third party claim which challenges the enforceability and/or legality of same.

7. INSURANCE

Within thirty (30) days from the execution of this agreement and for the term of this agreement: the MDAQMD will include the AVAQMD as an additional named insured on the MDAQMD policies for general liability insurance, worker's compensation insurance, and employment practices insurance; and the AVAQMD will include the MDAQMD as an additional named insured on such policies.

It is mutually understood that while the AVAQMD and the MDAQMD continue to purchase insurance protection from the same risk pool additional insurance is not required.

The AVAQMD shall obtain and maintain general liability insurance, property insurance, vehicle comprehensive and collision insurance, errors and omissions insurance, and other insurance as approved by the AVAQMD Governing Board at the expense of the AVAQMD.

In the event the AVAQMD directly obtains the services of officers and employees outside the scope of this agreement the AVAQMD shall obtain and maintain worker's compensation and

employment practices insurance at the expense of the AVAQMD. Such additional insurance shall be obtained within thirty (30) days from the employment of officers or employees outside the scope of this agreement The AVAQMD will, as necessary, include the MDAQMD as an additional named insured on such policies.

8. CONFLICT RESOLUTION

Conflicts regarding the terms, provisions, nature, scope, delivery, provision of specific services or materials, or arising as a result of the implementation of this agreement shall be resolved in the following manner:

A. The chair of the Governing Board of the AVAQMD or MDAQMD shall contact the other chair, inform him or her of the nature and scope of the conflict and attempt to resolve the conflict

B. If the chairs of the AVAQMD and MDAQMD cannot resolve the conflict by discussion, each chair shall place an item on the agendas of the next regularly scheduled meetings for their respective Governing Boards regarding the conflict and appointment of Governing Board members to a Conflict Resolution Committee.

C. The AVAQMD and MDAQMD board shall each appoint two (2) members to the Conflict Resolution Committee.

D. The Conflict Resolution committee shall schedule a meeting to occur within fifteen (15) days of the later of the AVAQMD or MDAQMD Governing Board meeting at which members were appointed to the Conflict Resolution Committee. The Conflict Resolution Committee shall have fifteen (15) days from the date of the first meeting of the committee to attempt to resolve the conflict

E. If the Conflict Resolution Committee fails to resolve the conflict within the time stated above, the matter shall be submitted to non-binding arbitration by either party. Each party agrees to bear one-half (1/2) the cost of obtaining such non-binding arbitration. An impartial arbitrator shall be selected by alternately striking from a list provided by

the California State Mediation and Conciliation Service who shall hear the matter and render a decision.

F. If either of the Governing Boards elects not to accept the decision of the arbitrator at its next regularly scheduled meeting or the arbitrator fails to resolve the matter, either the AVAQMD or the MDAQMD may terminate this agreement in accordance with the terms set forth herein.

G. Each party reserves its rights and remedies to enforce the terms of this agreement at law or equity.

9. DUE DILIGENCE

Upon commencement of the term of this agreement the MDAQMD agrees to perform with due diligence the services specified herein.

10. EQUIPMENT

Equipment owned by the AVAQMD at the expiration or termination of this agreement shall remain the property of the AVAQMD.

Equipment owned by the MDAQMD prior to the expiration or termination of this agreement but used in the performance of services under this agreement shall remain the property of the MDAQMD.

Equipment purchased and billed to the AVAQMD pursuant to the terms of this agreement shall be the property of the AVAQMD.

MDAQMD agrees that upon expiration or termination of this agreement, any property of the AVAQMD which is in the possession of the MDAQMD shall be returned to the AVAQMD at a location designated by the AVAQMD within fifteen (15) days of the expiration or termination of this agreement.

11. PROGRAM STAFF

MDAQMD will provide professional officers and employees of the MDAQMD to perform the Services for AVAQMD pursuant to the terms of this agreement. It is intended that MDAQMD will use both (a) existing MDAQMD staff; and (b) staff which has been hired by MDAQMD solely to

perform the Services ("Dedicated Staff"). All officers and employees of the MDAQMD, including the Dedicated Staff, shall remain the officers and employees of the MDAQMD. Notwithstanding the provisions of paragraph 4 above, the MDAQMD shall remain solely responsible for the payment of all salaries and benefits, including but not limited to salary, health and dental benefits, union benefits if any, employment related taxes and pension contributions (collectively, "Personnel Costs"), for its officers and employees when such officers and employees are performing the Services.

The duties which the officers and employees of the MDAQMD may be required to perform for the AVAQMD pursuant to this agreement shall conform to the job descriptions of such officers and employees in their duties with the MDAQMD. For the purposes of this agreement "job description" shall be the current and most recent job description or as subsequently amended by the MDAQMD for the MDAQMD's officers and employees.

Upon expiration or termination of this agreement with the MDAQMD, it is intended that the Dedicated Staff and its office location will be transitioned to AVAQMD. In the event the AVAQMD offers employment to such Dedicated Staff in the same or a similar capacity and subject to the personnel policies and procedures of the AVAQMD and other requirements as determined by the AVAQMD Governing Board, if any, AVAQMD will assume all Personnel Costs of the Dedicated Staff transferred to the AVAQMD employment on the transition date. MDAQMD and AVAQMD will cooperate to transition any existing pension benefits to the extent permitted by applicable law. Following the expiration or termination, if services will be performed by a third party contractor, then AVAQMD may request 1) that the third party contractor offer position(s) to the Dedicated Employees; and 2) that the third party contractor give priority offers of employment of same or similar positions to the Dedicated Employees.. Notwithstanding the use of a third party contractor, AVAQMD will remain financially responsible for the assumption of all Personnel Costs for transferred staff as of the transition date.

In the event that AVAQMD or any third party contractor employed by AVAQMD fails to transition the Dedicated Staff, then MDAQMD will continue to treat the Dedicated Staff in

accordance with MDAQMD's normal existing policies and procedures and Dedicated Staff will have the same rights and seniority in the same manner and to the same extent as MDAQMD staff who have not been dedicated to provide services to AVAQMD. Notwithstanding the foregoing, MDAQMD reserves the right to terminate Dedicated Staff if no position(s) are available and AVAQMD will be responsible for all reasonable costs and expenses incurred by MDAQMD in connection with such termination.

12. LEGISLATED POSITIONS

The Governing Board of the AVAQMD shall appoint an Air Pollution Control Officer (APCO) pursuant to H&S §41350(b); and legal counsel pursuant to H&S §41357.

13. OPERATIONAL OVERSIGHT

MDAQMD will provide the services of its Deputy Director to act in the capacity of the Executive Director of AVAQMD. It is acknowledged and understood that the position of Executive Director is unique and that the person serving in this position must have the full confidence of the Governing Board of the AVAQMD. Accordingly, the Governing Board of the AVAQMD with a 75% majority will have the right, at any time, to request the removal of the Deputy Director or any replacement thereof from the position of Executive Director. The replacement for the position of Executive Director will be subject to the review and approval of AVAQMD and AVAQMD will be responsible for all costs incurred by MDAQMD to locate and hire any replacement. The initial Executive Director of AVAQMD will be Bret Banks. Any removal of Bret Banks from this position will not alter the terms of his employment as a Deputy Director of MDAQMD.

The Governing Board of the AVAQMD reserves the right to contract separately for operational oversight of the AVAQMD office. The MDAQMD will provide reasonable access to its records and personnel for such oversight. Such third party hired for oversight may direct day to day operations under the contract as well as oversee actions of staff to provide services under the contract as well as oversee actions of staff to provide services under the contract, however they shall not have the right to change the scope or nature of Services under the agreement nor exercise any personnel related authority under the existing MDAQMD policies and procedures including but not

limited to performance reviews and discipline, of MDAQMD personnel. Nothing in this provision shall prevent either the AVAQMD Governing Board or any person contracted to provide operational oversight from providing input, advice and consultation regarding such issues.

14. FEES, FINES, SUBVENTIONS, GRANTS AND OTHER REVENUE

All fees, fines, subventions, grants and other revenue owed to the AVAQMD pursuant to Federal, State or AVAQMD law, rule, regulation, permit or order of a State or Federal Court of competent jurisdiction shall be received by the AVAQMD. In the event that any such fee, fine, subventions, grants and other revenue owed to the AVAQMD is received by the MDAQMD shall be transferred to the AVAQMD immediately upon receipt and shall not affect payments made under this agreement

15. CONTRACT PERFORMANCE

An Annual report of contract performance will be delivered to the Governing Boards of the AVAQMD and MDAQMD in or about June of each year (or upon request of either of the respective Governing Boards) regarding the contracted services including, but not limited to, each of the activities and services performed as specified in Exhibit 1.

The MDAQMD agrees to make and maintain all records that are required by Federal or State law or AVAQMD rule, regulation, permit or order or by an order of a State or Federal Court of competent jurisdiction and to transfer such records to the AVAQMD upon expiration or termination of this agreement.

A Governing Board member of the respective Governing Boards of the AVAQMD and MDAQMD may attend any Governing Board meetings of the other agency and any public meetings of the other agency which directly relate to the materials and services provided pursuant to this agreement.

16. COPYRIGHT MATERIALS

The AVAQMD reserves the right to any copyrightable materials developed pursuant to this agreement. Upon acceptance of the copyrightable materials the AVAQMD shall have the right, title, and interest including trade secret and copyright interest in the copyrightable materials. During

the term of this Agreement, the MDAQMD shall have a non-exclusive right to use, copy and otherwise benefit from such materials.

17. FISCAL AUDIT

The AVAQMD shall designate an auditor and a fiscal audit shall be conducted annually by a qualified accountancy firm. The results of the audit shall be presented to the Governing Board on completion.

In the event the contract expires or terminates, an audit shall be provided to the Governing Board of the AVAQMD within ninety (90) days of the expiration or termination of the agreement.

The MDAQMD agrees that the AVAQMD or its duly authorized representative shall have access and the right to examine, audit, excerpt, transcribe and copy the MDAQMD's financial records, documents, papers, and records which are related or pertinent to this agreement. Such materials shall be retained for a period of at least two (2) years or such other longer period as required by State or Federal law, rule or regulation or by MDAQMD policy or procedure.

The AVAQMD agrees that the MDAQMD or its duly authorized representative shall have access and the right to examine, audit, excerpt, transcribe and copy the AVAQMD's financial records, documents, papers, and records which are related or pertinent to this agreement. Such materials shall be retained for a period of at least two (2) years or such other longer period as required by State or Federal law, rule or regulation or by AVAQMD policy or procedure.

18. PRIVILEGES AND IMMUNITIES

Pursuant to the provisions of Government Code 6513 and any other applicable law, all of the privileges and immunities from liability, exemptions from laws, ordinances and rules, all pension, relief, disability, workmen's compensation and other benefits which apply to the activity of officers, agents or employees of the MDAQMD shall apply to the same degree and extent while such officers, agents or employees of MDAQMD are engaged in the performance of any of their functions and duties within the jurisdiction of the AVAQMD or MDAQMD.

19. SUCCESSORS

Neither party will assign or transfer any rights or obligations under this agreement without the written consent of the other.

Each party and their successors, legal representatives, and to the extent permitted herein, their assigns, are hereby bound to the other party and to the successors, legal representatives, and the assigns of the other party in respect to all covenants, agreements and obligations of this agreement

20. **AMENDMENT**

This agreement and its Exhibits, as amended from time to time in accordance with the terms of this agreement, constitute the entire agreement between the parties and will supersede all prior written or oral understandings. This agreement and its Exhibits, as amended, may only be amended, supplemented, and modified by an executed written instrument as approved by the Governing Boards of the AVAQMD and MDAQMD. Notwithstanding the foregoing, the Governing Boards may specify a threshold for modifications to the Services and the Annual Budget which are within the discretion of the General Managers of each entity.

For purposes of this agreement, the annual adoption of the Annual Budget for each successive fiscal year until the expiration or termination of this agreement as provided for in Paragraph 3 shall be deemed an amendment to Exhibit B of this agreement upon mutual approval of the Annual Budget and its adoption by the Governing Board of the AVAQMD.

21. **TERMINATION**

The Governing Boards of the AVAQMD or MDAQMD may terminate this agreement at any time by giving written notice to the other party 180 days in advance of the proposed termination, but not less than ninety (90) days before the effective date of the proposed termination.

In the event this agreement is terminated, all finished and unfinished documents and other materials produced by the MDAQMD pursuant to the terms of this agreement shall be provided to the AVAQMD. If the agreement is terminated by either party, the MDAQMD shall be paid all amounts due and unpaid, whether or not such amounts had been billed to the AVAQMD, as of the date of the termination subject to the resolution of any disputed amounts pursuant to the conflict resolution procedure set forth in Section 8 above.

In the event this agreement is terminated, MDAQMD Dedicated Staff will be transitioned in accordance with the terms of Section 11.

22. **EFFECTIVE DATE**

This contract shall be effective January 1, 2016 for the term specified in Section 2 above 23.

23. **VENUE**

The venue for any claims or actions brought related to or regarding this agreement shall lie in the County of Riverside, California.

This agreement is executed in the city of Victorville, San Bernardino County, and in the city of Lancaster, Los Angeles County, California.

ANTELOPE VALLEY AIR QUALITY MANAGEMENT DISTRICT	MOJAVE DESERT AIR QUALITY MANAGEMENT DISTRICT
Marvin Crist, Chair	Robert Lovingood, Chair
Dated: 4-19-16	Dated: 4/25/16
Approved as to Legal Form	
ALLISON BURNS, Special Counsel to the Governing Board	PIERO C. DALLARDA, Special Counsel to the Governing Board
Dated: 4/19/16	Dated: 4/25/16

END OF CONTRACT

EXHIBIT 1

SCOPE OF MATERIALS AND SERVICES

The MDAQMD agrees to provide services to the AVAQMD as specified in the Agreement, namely: provide administration and operations, adequate to meet the regulatory and legislated responsibilities of an air quality management district within the AVAQMD jurisdiction specified in Division 26 of the California Health & Safety Code (commencing with §39000). The scope of services that the MDAQMD may provide as directed by the fiscal year budget are described below.

In the event the AVAQMD Governing Board redirects or appoints a third party to perform any of the services or functions listed herein to another party, contractor, consultant, or vendor, the MDAQMD will be relieved from any and all liabilities arising out of or connected with the performance of such services by any or all third parties from the effective date of such assignment. The AVAQMD shall indemnify and hold harmless the MDAQMD, its agents, and employees, against all liabilities arising out of or connected with the transfer of such assignment.

Air Monitoring Program: all activities including, but not limited to, (i) measuring and monitoring air quality, and (ii) maintaining equipment and providing technical maintenance;

Compliance Program: all activities including, but not limited to, inspection services, programs for variance support, asbestos, complaint response, emissions violations, source test, EPA Report preparation, and delinquent billing.

Planning and Rule Development: all activities including, but not limited to, development of new or amendment of existing rules to facilitate regulatory compliance.

Grants Management: all activities including, but not limited to, making application for available funds, soliciting projects that meet the objectives of each grant program, developing and administering contracts to ensure the grant program objectives are met; disbursing funds and performing reviews on contract performance.

Community Relations and Education: all activities including, but not limited to, public outreach and education.

Administrative Services: all activities including, but not limited to, operations for a staffed office located in the AVAQMD jurisdiction with regular business operating hours, revenue collection and expenditure tracking, budget preparation and administration, development, implementation and maintenance of an automated system for tracking permits and permit activities, procurement and maintenance of facilities, operations, and fixed assets as set forth in the annual budget, and miscellaneous expenses as identified in the annual budget. Financial and accounting services including, but not limited to, appropriate accounting procedures to maintain bank accounts, receive and expend funds and report accordingly, computer information systems.

Executive Services: all activities including, but not limited to services of the Air Pollution Control Officer, Legal Counsel (including, but not limited to, compliance with the Brown Act and Public Records Act), direction and oversight of all operations of the AVAQMD, support for boards, commissions, and committees, including the Governing Board and the Hearing Board.

The following page(s) contain the backup material for Agenda Item: Amend the Districts Classification Plan and replace the Class Specification for the Air Pollution Control Officer (APCO) position. Presenter: MDAQMD Personnel Committee - James L. Cox, Barbara Riordan, Barb Stanton and John Cole.

MINUTES OF THE GOVERNING BOARD
OF THE MOJAVE DESERT AIR QUALITY MANAGEMENT DISTRICT
VICTORVILLE, CALIFORNIA

AGENDA ITEM #7

DATE: August 27, 2018

RECOMMENDATION: Amend the District's Classification Plan and replace the Class Specification for the Air Pollution Control Officer (APCO) position.

SUMMARY: This action will amend the District's Classification Plan and replace the Class Specification for the APCO position.

CONFLICT OF INTEREST: None

BACKGROUND: The District's Classification Plan contains a Class Specification for the APCO position that was last approved in 2003. The Personnel Committee recommends that the APCO Class Specification be replaced with a version that is more robust, broad based, and more closely aligns with those used by the professional peer group of Air Pollution Control Officers. The current and proposed Class Specifications are attached.

REASON FOR RECOMMENDATION: The Governing Board has the authority to amend and revise the District Classification Plan.

REVIEW BY OTHERS: This item was reviewed by Karen Nowak, District Counsel as to legal form and by Brad Poiriez, Executive Director on or about July 30, 2018.

FINANCIAL DATA: No increase in appropriation is anticipated.

PRESENTER: MDAQMD Personnel Committee: Jim Cox, Barbara Riordan, Barb Stanton, and John Cole

Proposed
CLASS SPECIFICATION

AIR POLLUTION CONTROL OFFICER

DEFINITION:

Under policy direction of the Mojave Desert Air Quality Management District (MDAQMD) Governing Board, the Air Pollution Control Officer organizes, coordinates, and directs through management staff all District functions and activities, provides policy guidance and strategies regarding air quality management; fosters cooperative working relationships with the Board, District staff, industry, the public, and other agencies; performs related work as assigned.

DISTINGUISHING CHARACTERISTICS:

This single position management class is accountable to the Board of Directors for the District's efforts towards achieving the attainment of and maintenance of State and Federal clean air standards within the MDAQMD jurisdiction. This position has overall responsibility for policy development, administration, fiscal management, technology and environmental assessment. This position also has the final oversight on all major and general source division functions including compliance, permit engineering, air monitoring, grants and public outreach. The incumbent is responsible for development and accomplishment of all District goals in an effective cost containing and efficient manner.

CLASSIFICATION GROUP: Exempt Group A

ESSENTIAL JOB FUNCTIONS (includes but are not limited to the following):

- Plans, directs, organizes, coordinates and evaluates the overall activities of the MDAQMD
- Coordinates with State, Federal and regional agencies to explore new legislative or interagency approaches to improving air quality in the MDAQMD region.
- Works with local stakeholders including business, industry and public interest groups to solve air quality problems affecting the MDAQMD jurisdiction.
- Develops the District's annual budget and oversees preparation of fiscal analyses and the monitoring of fiscal transactions.
- Acts under the direction of the MDAQMD Governing Board to develop, implement and enforce regulations required to achieve adopted air quality standards and reduce public exposure to toxic air containments.
- Formulates and implements operational procedures and policies in accordance with State, Federal and District rules, regulations and laws.
- Represents the District before the Hearing Board and in various negotiations with other governmental agencies, industrial sources and consultants regarding funding,

program development, fines, permits, variance conditions, contracts and local District regulations.

- Oversees the securing and administration of State, Federal and other grant funding
- Oversees the issuance of financial grants for the purpose of reducing air pollution
- Acting as the District hiring authority, reviews and authorizes personnel actions; oversees the hiring, training and evaluation of all District personnel
- Works closely with and advises the Board of Directors, committees of the Board, District staff, industry, the public and other agencies to implement effective air quality management programs and to ensure compliance with air quality laws, rules and regulations
- Represents the District before the media, other agencies and the public
- Enforces local ordinances, applicable State laws and delegated Federal air quality guidelines
- Implements provisions of the State and Federal Clean Air Acts
- Monitors and reports on regional air quality
- Supports compliance planning and compliance efforts by providing leadership, information, technical review, assistance and guidance to the public including the industrial and business community
- Notifies the public of air pollution alert conditions
- Approves plans, specifications, contract documents and other materials related to the control and abatement of air pollution
- Reviews and approves contracts for outside services and equipment
- Reviews, analyzes and reports on program efforts and regional compliance with legislative standards
- Identifies operational problems and formulates appropriate solutions

WORKING CONDITIONS and PHYSICAL ABILITIES:
Position requires prolonged sitting, standing, walking, reaching, twisting, turning, kneeling, bending, squatting and stooping in the performance of daily activities. The position also requires occasional grasping, repetitive hand movement and fine coordination in preparing statistical reports and data using a computer keyboard. Additionally, the position requires near vision in reading correspondence. Acute hearing is required when providing telephone service and communication in person. The need to lift, drag and push files, computer reports or other materials weighing up to 10 pounds also is required.

QUALIFICATION GUIDELINES: (The following are minimal qualifications necessary for entry into the APCO classification)

KNOWLEDGE/ABILITIES/SKILLS:

Knowledge of:
Air quality programs and regulations; principles, practices and research methods related to the analysis and control of air pollution; principles and practices of organization, management, governmental budgeting and personnel administration, planning practices and techniques; policy/procedure development and implementation related to regional air quality standards; team building techniques; relationship of State and Federal air quality management programs to local government programs; principles, methods, practices and equipment used to determine, analyze, evaluate control stationary sources of air contamination; current State, Federal and local air quality laws, rules and regulations; various types of industrial processes and control equipment and technology; processes and procedures used in permitting, enforcement and rule development; practices of vehicle fleet operation; clean fuels technology.

Ability to:
Plan, organize, direct and evaluate the overall activities of a multi-disciplinary staff involved in air quality policy and program development, monitoring and enforcement; direct the establishment and implementation of regional policy and procedures to attain and maintain mandated air quality standards; ensure that departmental activities conform with State, Federal and local laws and standards; analyze, interpret and apply pertinent provisions of governmental policies, mandates, or agreements; identify and resolve operational problems and recommend solutions; analyze complex problems, evaluate alternatives and reach sound conclusions within legal and procedural parameters; prepare correspondence, reports, oral presentations for public officials, executive management, the general public and the media; establish and maintain effective working relationships with others; maintain accurate records and files; plan, direct and review the work of subordinate staff; promote cooperative relationships with staff, governmental, industrial and public groups concerned with air pollution control programs; analyzing complex technical and administrative problems, evaluating alternative solutions and adopting effective courses of action; interpreting, explaining and applying District regulations, State and Federal laws.

EDUCATION/EXPERIENCE:

Any combination of education and/or experience that has provided the knowledge, skills and abilities necessary for acceptable job performance. Example combinations:

Proposed

CLASS SPECIFICATION

AIR POLLUTION CONTROL OFFICER

Graduation from college with a bachelor's degree in an environmental science, engineering, business administration or a related field and five years of experience managing an air quality program and related technical and support programs and activities, preferably with a public agency, or any combination of training and/or experience that could likely provide the desired knowledge and abilities.

OTHER REQUIREMENTS:

This position may require possession of a valid California's driver's license.

☐ Approved:

_____	_____
BRAD POIRIEZ	**JEAN BRACY**
Air Pollution Control Officer	**Deputy Director – Administration**

Date: _____

CLASS SPECIFICATION

AIR POLLUTION CONTROL OFFICER

DEFINITION:

Under policy direction of the Mojave Desert Air Quality Management District Governing Board, the Air Pollution Control Officer has overall responsibility for policy development, administration, enforcement, permit, technical, planning and public information functions and activities of the District. Specific responsibilities include leadership in labor-management relations, budget development, information technology, grants management and building maintenance.

DISTINGUISHING CHARACTERISTICS:

This single position class is responsible for seeing to the accomplishment of all District goals and objectives in an effective, efficient manner.

CLASSIFICATION GROUP: Exempt Group A

QUALIFICATIONS (Knowledge and Abilities):

- A broad understanding of principals of financial management; preparation, justification, and administration of the budget for program areas; monitoring expenditures in support of programs; and identification of cost effective approaches to carrying out the work.
- A strong sense of leadership and the ability to inspire, motivate and guide others towards goal accomplishment via coaching and mentoring techniques.
- Technical credibility including an understanding of procedures, policies, regulations, issues and practices related to the technical arena.
- Technology management and the ability to use efficient and cost effective approaches to integrate technology into the workplace and improve program effectiveness.
- Proven ability to develop strategies using new technology to enhance decision-making.
- Knowledge of applicable District, state and federal laws, rules and regulations.
- Social, political and environmental issues influencing the government.
- Principles, practices and program areas related to public sector management and administration.
- Effective public sector labor relations and practices.

OTHER REQUIREMENTS:

This position may require possession of a valid California's driver's license.

CLASS SPECIFICATION

AIR POLLUTION CONTROL OFFICER

EDUCATION/EXPERIENCE:

A typical way to obtain the knowledge and abilities outlined above is:

- Bachelor's degree in a related science/health field.
- 5 Years or more of broad experience in the successful management of a public entity.

☑ Approved:

CHARLES L. FRYXELL
Air Pollution Control Officer

JEAN BRACY
Director Administrative Services

Date: 02-18-03

The following page(s) contain the backup material for Agenda Item: Amend the Districts Classification Plan to add new classifications and assign pay ranges, revise existing classifications; and inform the Board regarding other administrative matters. Presenter: Brad Poiriez, Executive Director/APCO.

MINUTES OF THE GOVERNING BOARD
OF THE MOJAVE DESERT AIR QUALITY MANAGEMENT DISTRICT
VICTORVILLE, CALIFORNIA

AGENDA ITEM #8

DATE: August 27, 2018

RECOMMENDATION: Amend the District's Classification Plan to add new classifications and assign pay ranges, revise existing classifications; and inform the Board regarding other administrative matters.

SUMMARY: This action amends the District's Classification Plan to add new classifications and assign pay ranges, revises existing classifications; and informs the Board of other administrative matters.

CONFLICT OF INTEREST: None

BACKGROUND: The District periodically adjusts staffing strategies in order to meet the varying challenges of the business and the changing scope of the workforce. The recommendations in this action evolved from ongoing Management Workforce Planning meetings. The findings of the Organizational Review commissioned by the Governing Board in late 2016 were considered as well as the current regulatory and operational needs of the District. The proposed adjustments address issues regarding organizational efficiency and effectiveness, professional growth opportunities, career progression, upward mobility, and succession planning in view of prospective retirements of long term employees.

The proposed action makes a number of changes which are described in Exhibit 1 and represents *a portion* of the ongoing elements of the Workforce Planning efforts. The District's full time equivalent (FTE) will not increase as a result of the recommended actions contained in this item. An Organization Chart is included as Exhibit 2. A revised Table of Organization is included as Exhibit 3.

REASON FOR RECOMMENDATION: The Governing Board has the authority to amend and revise the District Classification Plan, approve pay ranges for new positions, and adjust pay ranges for existing positions.

REVIEW BY OTHERS: This item was reviewed by Karen Nowak, District Counsel as to legal form on or about August 6, 2018.

FINANCIAL DATA: Authorization to promote up to two incumbents into new Class Specifications with new pay ranges for the remainder of FY 19 will cost approximately $8,900. The adopted MDAQMD Budget for FY 19 included sufficient funds for potential reclassifications.

PRESENTER: Brad Poiriez, Executive Director/APCO

Exhibit 1

Summary

This change in the Classification Plan is part of the ongoing efforts to address succession planning, career training, and employee professional development. The employees in the District's workforce have expressed a desire for designed career paths within the District providing opportunities to grow professionally. It is also well known that the modern workforce expects employers to provide for professional growth, career path progression, upward mobility, and opportunities to explore and expand the boundaries of work assignments.

The employee demographics, noted below, indicate clearly that the District faces staffing challenges in the near future that demand long range workforce planning. The organization needs a consistent structure that provides for employees to grow professionally and be ready to promote when opportunities become available. These were among the factors considered by Management in developing these recommendations.

Management received from the Teamsters through Labor Management Task Force a ranked list of suggested classifications to develop for career growth. Classifications in Technical Services were considered using the concepts noted above.

Career Oriented Components

These recommended Class Specifications include components that address career oriented objectives. Management's goal is to present an attainable a career path that progresses over time. The District's workforce has historically demonstrated relative stability. A District-oriented career path should be designed to provide long term progression to avoid attainment early in one's career and thereby causing the potential for career stagnation. An additional goal is to encourage initiative and training that enhances skill sets in breadth and depth. Career development and opportunity should expand beyond the technical skill sets related to any position.

The framework drafted in these class specifications will serve as the template for future class specifications in the District's Workforce Planning and considers the following.

- Include a series of positions which allows for progression within the Class Specification. The Essential Job Functions for the advanced position in the series are distinguished from functions in the first position in the series. Similarly, the Education and Experience requirements in the advanced position are distinguished from the requirements for education and experience in the first position in the series.

- Include a section addressing the considerations for promotion from the first position to the advanced position.

  - **Experience**, particularly in depth and quality of experiences, as evidenced by "time in position"
  - **Performance**, as evidenced by "exceeds" performance evaluations for past three years
  - **Initiative**, internally evidenced by engagement in reliable work habits, quality work product, participation on teams, and increasing responsibilities
  - **Initiative**, externally evidenced by increasing knowledge, skills and abilities through training, education, and peer networking.
  - **Supervisor recommendation** to the APCO, and subject to APCO final approval and available resources (budget).

Technical Services

Technical Services includes positions that support the District's computer systems. Over time "computer systems" has expanded exponentially to include desktop computers, personal digital devices, and integration of services with those devices, video teleconferencing, voiceover IP telephone system, network management of all digital resources and protection mechanisms for those devices including virus scanning, backup, disaster recovery, and the software that supports those functions. In the District this department supports a number of custom software applications including installation, functionality, integration, troubleshooting and problem solving and often training. In addition, this department supports the network of remote air monitoring stations and data collection, transmission, and connection to the District's website. They are responsible for solid "up time" for all things technical. Two positions are assigned to this department within Administrative Services.

District Demographics

As of April 2, 2018 the District employed 40 FTEs (full time equivalents), with no vacant positions. The **age distribution** is: 50% are 40 years or younger, 23% are aged 41-54, and 28% are over age 55. For **years of service**, 63% of the District employees have 10 years or less of service with the District, 28% have 11 to 20 years of service, and 10% (4 employees) have more than 20 years of service. This information does not account for employees with reciprocal service with other public agencies, which tends to influence an employee's career and plans for retirement. This information leads to a conclusion that for the current census of employees as many as seven (17%) remaining employees are likely to retire from District employment by 2025. And, the first to depart are the last among those with deep institutional knowledge.

Finally, Management reached out to the Teamsters to review this recommendation in the Labor Management Task Force (LMTF). The members will continue to review the relevant portions of the plan and related actions as it develops.

1. This action ***replaces*** the Class Specification Information Systems Specialist with **Technology Specialist** (nonexempt).
   a. Proposed Class Specification: Redline and Clean versions are attached
   b. Justification. This comprehensive revision addresses the significant changes in the Essential Job Functions since the last revision in 2008. There are two Information Systems Specialists positions in the Table of Organization affected by this change.
   c. Pay Range 629 (no change).
   d. Cost estimates. NA
2. This action ***adds*** a **new** Class Specification Series, **Systems Administrator I/II** (nonexempt), assigns pay range 633 and 637 respectively, and authorizes the Executive Director/APCO to promote incumbent Information Systems Specialists/Technology Specialists to the **Systems Administrator I** position. Per policy, an incumbent will receive on promotion a 5% increase in base pay effective Payperiod 20 (on or about August 31, 2018).
   a. Proposed Classification Series Description: Attached
   b. Justification. 1) The class specifications in Technical Services were significantly out of date; 2) Management is developing Workforce Planning and these class specifications address growth and career opportunity; and 3) The incumbent IS Specialist/Tech Specialists are eligible to promote.
   c. Recommend Pay Range 633 for Systems Administrator I and Range 635 for Systems Administrator II.
   d. Cost estimates: $8,900 (total cost) for the remainder of FY 19.

Amend the Classification Plan (summary)		Pay Range
Classifications – Replaced	• Former: Information Systems Specialist • Replaced with Technology Specialist	629
Classifications – New series	• Systems Administrator I • Systems Administrator II	633 637

Policy Statements

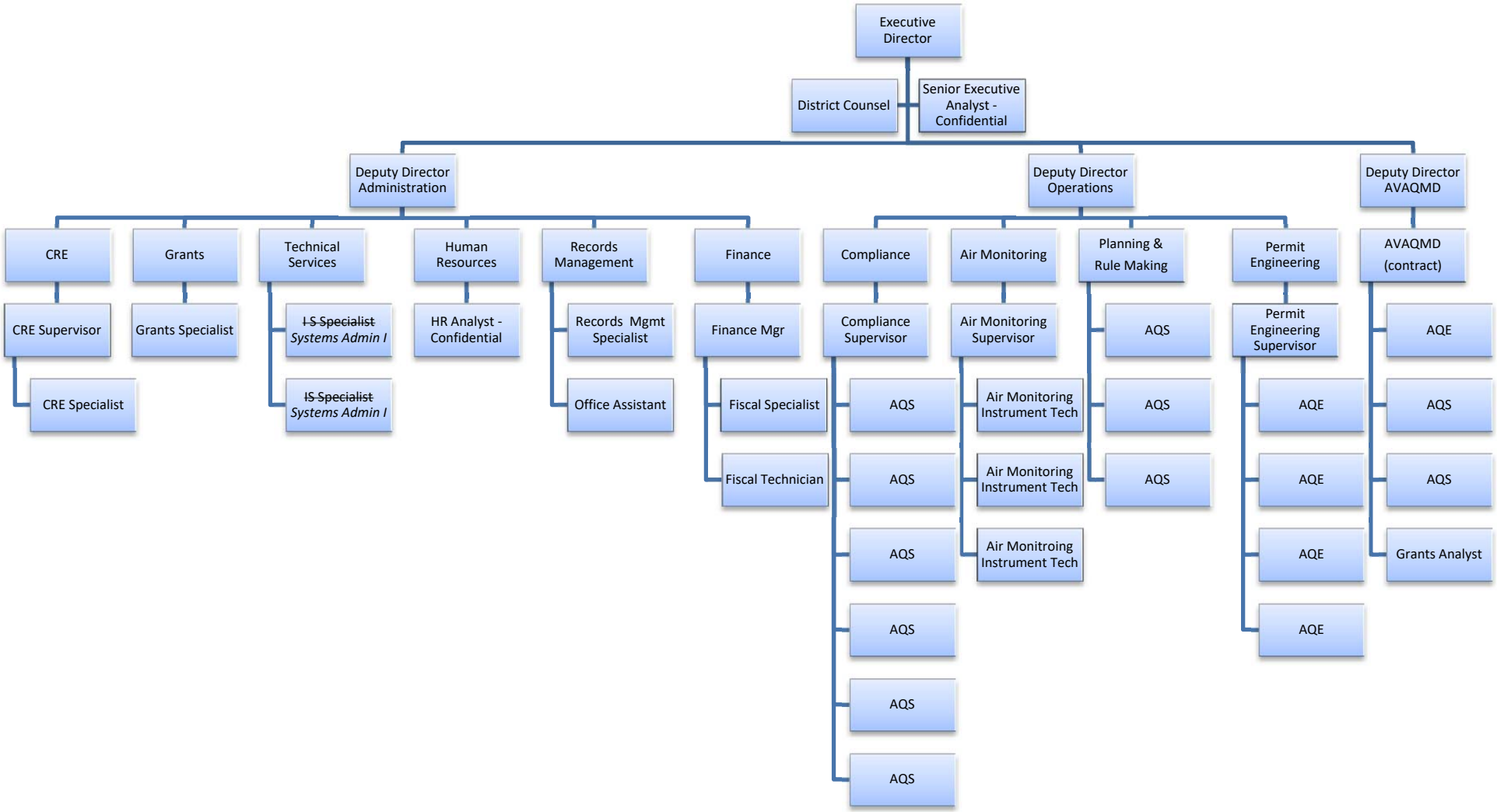
Governing Board Policy 94-1 delegates to the APCO "the authority to hire, dismiss, make assignments, direct, supervise… District employees…." In addition this policy states "Reclassification or change in the compensation of employees(s) shall be subject to review and approval by the Board."

MDAQMD Personnel Policies and Procedure (PPP) Rule 3.2 assigns the development and maintenance of the Classification Plan to the Personnel Officer (APCO), subject to Governing Board approval. "A new classification shall not be created and filled on a regular basis until the classification plan has been amended …"

Management Rights are described in the Memorandum of Understanding (MOU) between the MDAQMD and the Teamsters Local 1932 including the right to "determine job classifications, hire, transfer, promote and demote employees."

Management has conducted meet and confer with the Teamsters to discuss the impacts of these revisions.

Mojave Desert AQMD
Organizational Chart



MOJAVE DESERT AIR QUALITY MANAGEMENT DISTRICT
TABLE OF ORGANIZATION

Exhibit 3

Approved FY 18	Approved FY 19	Proposed 8/27/2018	Title of Position	Range	Monthly Salary	
1	1		Office Assistant	610	3,193 - 3,891	
0	0		Records Management Clerk	615	3,613 - 4,402	
1	1		Fiscal Technician	621	4,190 - 5,105	
1	0		Administrative Secretary	624	4,512 - 5,498	
0	0		Deputy COB/Administrative Secretary	624	4,512 - 5,498	
1	1		CRE Specialist	626	4,740 - 5,775	
1	1		Records Management Specialist	626	4,740 - 5,775	
1	1		Fiscal Specialist	629	5,104 - 6,219	
1	1		Grants Specialist	629	5,104 - 6,219	
2	2	0	~~Information Systems Specialist~~ Technology Specialist	629	5,104 - 6,219	Replaced
3	3		Air Quality Instrument Technician	629	5,104 - 6,219	
10	11		Air Quality Specialist	629	5,104 - 6,219	
1	0		Human Resources Specialist	629	5,104 - 6,219	
0	0	2	Systems Administrator I	633	5634 - 6865	New
0	0		Lead Air Quality Instrument Technician	636	6,068 - 7,394	
0	0		Lead Air Quality Planner	636	6,068 - 7,394	
0	0		Lead Air Quality Specialist	636	6,068 - 7,394	
0	0		Clerk Of The Boards	636	6,068 - 7,394	
0	0		Executive Lead	636	6,068 - 7,394	
0	1		Human Resources Analyst - Confidential	637	6,219 - 7,577	
0	1		Grants Analyst	637	6,219 - 7,577	
0	0	0	Systems Administrator II	637	6219 - 7577	New
0	1		Senior Executive Analyst - Confidential	638	6,375 - 7,768	
5	5		Air Quality Engineer	640	6,697 - 8,160	
1	0		Executive Office Manager	644	7,393 - 9,007	
1	1		Air Monitoring Supervisor	644	7,393 - 9,007	
1	1		Permit Engineering Supervisor	644	7,393 - 9,007	
1	1		Compliance Supervisor	644	7,393 - 9,007	
0	0		Lead Air Quality Engineer	644	7,393 - 9,007	
0	0		Administrative Services Manager	644	7,393 - 9,007	
1	0		Community Relations & Education Manager	644	7,393 - 9,007	
0	1		Community Relations & Education Supervisor	644	7,393 - 9,007	
1	1		Finance Manager	650	8,574 - 10,446	
0	0		Supervising Air Quality Engineer	650	8,574 - 10,446	
1	1		Deputy Director MD Operations	657	10,190 - 12,416	
1	1		Deputy Director AV Operations	657	10,190 - 12,416	
1	1		Deputy Director Administration	657	10,190 - 12,416	
1	1		District Counsel	659	10,707 - 13,046	
1	1		Executive Director/APCO	N/A	N/A	
39.0	40.0					

CLASS SPECIFICATION

SYSTEMS ADMINISTRATOR I/II

DEFINITION:

Performs a variety of professional level technical, administrative, and analytical duties in support of Technical Services to maintain all District owned technology equipment including all supporting devices, software and applications, including but not limited to: computer servers, networking equipment, video conferencing, VoIP and internet services, personal computers, laptops, tablets, peripherals, websites, software, and applications; and performs related work as required or assigned.

DISTINGUISHING CHARACTERISTICS:

Systems Administrator I works under general administrative direction of the Deputy Director – Administration. This position is characterized by its responsibility to perform a wide variety of technical tasks, duties, and special assignments requiring initiative and independent judgment while administering the District's technical environment. The assignments also require professional ethics, use of discretion, independent judgment, and confidentiality.

Systems Administrator II works under general direction of the Deputy Director – Administration. This position is distinguished from the Systems Administrator I classification by increased responsibility, project management, participation in and development of long range planning and integrating the work and needs across all District departments, and education and experience requirements.

CLASSIFICATION GROUP: General Unit

ESSENTIAL JOB FUNCTIONS:

Functions may include, but not be limited to, the following:

- Administers and oversees the operation and performance of the District's technology resources, including but not limited to: computer servers, networking equipment, video conferencing, VoIP and internet services, personal computers, laptops, tablets, peripherals, websites, content management, software, and applications District wide; maintains standards of operational capacity and efficient work-flow.
- Develops and implements methods to improve technical capabilities; includes District Staff to evaluate technology needs; make recommendations for improvements or changes as needed.
- Establishes relationships with consultants, contractors, suppliers, and vendors for equipment services needed to support the District's technology environment; coordinates the purchase, installation, and/or delivery of products and services, negotiates technical services.
- Maintains system security and confidentiality, including all system passwords and access codes. Maintains the physical security of computer rooms, other areas as assigned, technical equipment, software, and applications.

- Implement, test, maintain, and affirm a District-wide disaster recovery plan.
- Oversees, tests, and affirms appropriate systems maintenance, timely upgrades, including troubleshooting problems or performance issues.
- Participates in technology integration planning into the MDAQMD business practices; maintain effective relationships with District staff and the associate work tasks to prepare technology-based solutions to efficient challenges.
- Actively pursues continued and current educational training via seminars, webinars, etc.; Maintains "state of the industry" knowledge level and remains current on the latest technological trends.
- Establish and maintain effective working relationships with coworkers and management and interact effectively and professionally under pressure.
- Maintain technical oversight of District's web sites through contracted vendors, or locally hosted servers. Interfaces with departments, enabling agile and accurate web management and information continuity.
- Understand and follow oral and written directions; communicate effectively, both orally and in writing; understand and work within the scope of authority.
- Performs other duties as required and necessary for the successful performance of this job.
- Provide temporary relief as required

Essential Functions specific to Systems Administrator II

- Develops and implements policies to ensures compliance with applicable regulations, laws or security protocols, and secure business practices;
- Drives technology integration planning into the MDAQMD business practices.
- Leads projects through assessment, collaboration with departments, execution methods, and implementation.

WORKING CONDITIONS and PHYSICAL ABILITIES:

Work is performed in an office environment in close proximity with other workers and incumbent will be exposed to those conditions normally encountered in a business office environment. Incumbent must be able to perform the essential functions of the job satisfactorily. Physical demands require frequent standing, reaching, leaning, twisting, grasping, lifting and sitting for prolonged periods of time. Must carry moderately heavy boxes and/or utilize a hand truck or dolly. The ability to lift, push boxes and equipment or other material weighing up to 50 pounds or so. Incumbent must be able to see and hear in the normal range, with or without correction, and communicate verbally and in written form with great facility and must be able to be understood. Incumbent must have the stamina to work long hours and overtime, if assigned, and be willing to

work an irregular schedule, which may include weekends, holidays, evenings and/or varying shifts if required. Incumbent must be able to drive safely to various District sites. Travel via air and or ground transportation is required.

QUALIFICATIONS (Knowledge and Abilities):

- Must be able to perform all of the Essential Functions satisfactorily.
- Principles and practices of installation and operation of computer equipment, local and wide area networks, personal computer hardware and software, network systems and peripheral equipment;
- Principles and techniques for computer systems analysis, design and administration;
- Principles and techniques for work planning, scheduling, measurement and reporting;
- Programming techniques and a variety of operating systems, protocols, cabling methods and networking techniques;
- A working understanding for application and web development and databases;
- Describe technical problems to determine appropriate action; read and understand technical manuals; analyze computer operations and organize their component parts into logical systems; able to perform extensive technical research.
- Analyze user needs and develop cost effective resolutions utilizing appropriate technology; understand and interpret technical information (oral and written);
- Conduct training on systems operations;
- Prepare clear and concise written instructions on systems operations;
- Work with current operation platforms and systems; adapt to rapidly changing technology;
- Establish and maintain good relations with others outside of, and within, the District and plan and accomplish goals.
- Ability to initiate, organize work, set priorities, meet critical deadlines and follow up assignments with a minimum of direction.
- Ability to comprehend a general understanding of District workflow and operations.
- Ability to manage projects to completion, coordinating services, products, delivery, installation and/or implementation within prescribed deadlines.
- Ability to analyze security and risk management and make decisions based on that information.
- Ability to train technical staff, or others in complex technology-rich tasks.

OTHER REQUIREMENTS:

This position requires the possession of, or the ability to obtain, a valid California Class C Driver's License.

EDUCATION/EXPERIENCE:
This position requires:

CLASS SPECIFICATION

SYSTEMS ADMINISTRATOR I/II

Completion of major course work from an accredited college or university equivalent to a Bachelor's Degree majoring in computer science, information system or a closely related field, or a combination with professional certifications in Databases, Operating Systems, or Networking, or closely related fields that could likely provide the desired knowledge and abilities (educational equivalency justification may be required); and increasingly responsible experience with relevant computer systems and working with personal computers, network administration; developing web content, managing websites, internet services, and related technology.

Experience of 5 years or more in the District's Technology Specialist (or its equivalent) position or a comparable position with a comparable public agency; accepting comparable experience is subject to APCO approval.

Systems Administrator II requires a Bachelor's Degree majoring in computer science, systems administration or a closely related field, with professional certifications, increasingly responsible experience; and planning and project management experience;

Experience of 10 years or more with the District in Technology Services with increasing responsibilities; related experience with a comparable public agency may be considered for eligibility.

Either position may require the possession of, or actively pursuing, information technology or related certifications.

PROMOTION:

Consideration for promotion into the Systems Administrator I/11 positions includes:

- **Experience**, particularly in depth and quality of experiences, as evidenced by "time in position"
- **Performance**, as evidenced by "exceeds" performance evaluations for past 3 years
- **Initiative**, internally evidenced by engagement in reliable work habits, quality work product, participation on teams, and increasing responsibilities
- **Initiative**, externally evidenced by increasing knowledge, skills and abilities through training, education, and peer networking.
- **Supervisor recommendation** to the APCO, and subject to APCO final approval and available resources (budget).

☐ Approved:

_____	_____
BRAD POIRIEZ	**JEAN BRACY**
Executive Director	Deputy Director - Administration

Date: _____

CLASS SPECIFICATION

TECHNOLOGY SPECIALIST

DEFINITION:

Under direction of the Deputy Director - Administration performs a variety of professional level technical, administrative, and analytical duties in support of Technical Services to maintain all District owned technology equipment including all supporting devices, software and applications, including but not limited to: computer servers, networking equipment, video conferencing, VoIP and internet services, personal computers, laptops, tablets, peripherals, websites, software, and applications; and performs related work as required or assigned.

DISTINGUISHING CHARACTERISTICS:

This position is characterized by its responsibility to perform a wide variety of technical tasks, duties, and special assignments requiring initiative and responsible judgment while supporting the District's technical environment. The assignments also require professional ethics, use of discretion, judgment, and confidentiality.

CLASSIFICATION GROUP: General Unit

ESSENTIAL JOB FUNCTIONS:

Functions may include, but not be limited to, the following:

- Maintains the operation and performance of the District's technology resources, including but not limited to local and wide area network and computer systems District wide; maintains standards of operational capacity and ease of work-flow.
- Plans and researches methods to improve technical capabilities; includes District Staff to evaluate technology needs; make recommendations for improvements or changes as needed.
- Establishes relationships with consultants, contractors, suppliers, and vendors for equipment services needed to support the District's technology environment; coordinates the purchase, installation, and/or delivery of products and services.
- Recommends technology purchases for budget planning purposes, including licenses and support contracts;
- Recommends policies and ensures compliance with applicable regulations, laws or security protocols, and secure business practices;
- Maintains system security and confidentiality, including all system passwords and access codes. Maintains the physical security of computer rooms, other areas as assigned, technical equipment, software, and applications.
- Tests and maintains a District-wide disaster recovery plan.

CLASS SPECIFICATION

TECHNOLOGY SPECIALIST

- Performs systems maintenance, upgrades, including troubleshooting problems or performance issues; maintains annual and support licenses and subscriptions.
- Actively pursues continued and current educational training via seminars, webinars, etc.; Maintains "state of the industry" knowledge level and remains current on the latest technological trends.
- Serve as a resource for technology related functions, help, or training; establish and maintain effective working relationships with coworkers and management and interact effectively and professionally under pressure.
- Maintain technical aspects District's web sites through contracted vendors, or locally hosted servers. Interfaces with departments, enabling agile and accurate web management and information continuity.
- Understand and follow oral and written directions; communicate effectively, both orally and in writing; understand and work within the scope of authority.
- Performs other duties as required and necessary for the successful performance of this job.
- Provide temporary relief as required

WORKING CONDITIONS and PHYSICAL ABILITIES:

Work is performed in an office environment in close proximity with other workers and incumbent will be exposed to those conditions normally encountered in a business office environment. Incumbent must be able to perform the essential functions of the job satisfactorily. Physical demands require frequent standing, reaching, leaning, twisting, grasping, lifting and sitting for prolonged periods of time. Must carry moderately heavy boxes and/or utilize a hand truck or dolly. The ability to lift, push boxes and equipment or other material weighing up to 50 pounds or so. Incumbent must be able to see and hear in the normal range, with or without correction, and communicate verbally and in written form with great facility and must be able to be understood. Incumbent must have the stamina to work long hours and overtime, if assigned, and be willing to work an irregular schedule, which may include weekends, holidays, evenings and/or varying shifts if required. Incumbent must be able to drive safely to various District sites. Travel via air and or ground transportation is required.

QUALIFICATIONS (Knowledge and Abilities):

- Must be able to perform all of the Essential Functions satisfactorily.
- Principles and practices of installation and operation of computer equipment, local and wide area networks, personal computer hardware and software, network systems and peripheral equipment;
- Principles and techniques for computer systems analysis, design and administration;

CLASS SPECIFICATION

TECHNOLOGY SPECIALIST

- Principles and techniques for work planning, scheduling, measurement and reporting;
- Programming techniques and a variety of operating systems, protocols, cabling methods and networking techniques;
- A working understanding for application and web development and databases;
- Describe technical problems to determine appropriate action; read and understand technical manuals; analyze computer operations and organize their component parts into logical systems; able to perform extensive technical research.
- Conduct training on systems operations;
- Work with clear and concise written instructions on systems operations;
- Work with current operation platforms and systems; adapt to rapidly changing technology;
- Establish and maintain good relations with others outside of, and within, the District and plan and accomplish goals.
- Organize work, set priorities, meet critical deadlines and follow up assignments with a minimum of direction.

OTHER REQUIREMENTS:

This position requires the possession of, or the ability to obtain, a valid California Class C Driver's License.

EDUCATION/EXPERIENCE:

A typical way to obtain the knowledge and abilities outlined above is:

- A high school diploma (or equivalent); and,
- An Associate's Degree, or completion of major course work from an accredited college or university equivalent to Associate's Degree in computer science, information systems or closely related field, or a combination of major college coursework and professional certifications in Databases, Operating Systems, or Networking, or closely related field; and three years increasingly responsible related work experience or any combination of training and/or experience that could likely provide the desired knowledge and abilities; and,
- Increasingly responsible experience with relevant computer systems and/or working with personal computers, network administration; developing web content, web monitoring and reporting tools.

This position may require the possession of, or actively pursuing, information technology or related certifications.

☐ Approved:

_____	_____
BRAD POIRIEZ	**JEAN BRACY**
Executive Director	Deputy Director - Administration

Date: _____

CLASS SPECIFICATION

~~*INFORMATION SYSTEMS*~~ *TECHNOLOGY SPECIALIST*

DEFINITION:

Under ~~general administrative~~ direction of the Deputy Director - Administration~~, the Information Systems Specialist~~ performs a variety of professional level technical, administrative, and analytical duties in support of Technical Services~~plans, organizes, and implements the District's Information Systems (IS) functions. The incumbent is accountable for the administration~~ to ~~and maintenance~~ maintain ~~of~~ all District owned technology~~hardware~~ equipment including all supporting devices, software and applications, ~~which~~ including~~es~~ but ~~is~~ not limited to~~;~~: ~~file~~ computer servers, networking equipment, video conferencing~~ equipment~~, VoIP and internet services, personal computers, laptops, tablets, ~~and~~ peripherals, websites, software, and applications; and ~~ensure that all software, wide and local area networks are functioning at peak performance and readily available to District Staff;~~ performs related work as required or assigned.

DISTINGUISHING CHARACTERISTICS:

This position is characterized by its responsibility to perform a wide variety of ~~information systems~~ technical tasks, duties, and special assignments requiring initiative and ~~independent~~ responsible judgment while ~~administering~~ supporting the District's ~~Information Systems~~ technical environment. ~~The Information Systems Specialist~~ The assignments also ~~shall also observe~~ require professional ethics, use of discretion, judgment, and ~~in maintaining~~ confidentiality ~~information acquired in the course of employment~~.

CLASSIFICATION GROUP: **General Unit**

ESSENTIAL JOB FUNCTIONS:

Functions may include, but not be limited to, the following:

- ~~Administers and m~~Maintains the operation and performance of the District's technology resources, including but not limited to local and wide area network and computer systems District wide; maintains standards of operational capacity and ease of work-flow.

- ~~Coordinates long-term technology planning efforts;~~ Plans and researches methods to improve technical capabilities; includes District Staff to evaluate technology needs; make recommendations for improvements or changes as needed.

- Establishes relationships with consultants, contractors, suppliers, and vendors for equipment services needed to support the District's technology environment; coordinates the purchase, installation, and/or delivery of products and services.

- ~~prepares~~Recommends ~~IS~~ technology purchases for budget ~~and purchase~~ planning purposes, including licenses and support contracts;

CLASS SPECIFICATION

~~*INFORMATION SYSTEMS*~~ *TECHNOLOGY SPECIALIST*

- ~~recommends~~ Recommends ~~IT~~ policies and ensures compliance with applicable regulations, laws or security protocols, and secure business practices; ~~establish and direct strategic long term goals, policies and procedures for Information Systems.~~

- ~~Plans and researches methods to improve computerization capabilities; confers with District Staff to evaluate information systems needs; and provides recommendations and implement solutions.~~

- ~~Consults with hardware and software vendors and assesses applicability to District's needs; confers with computer service vendors to determine feasibility and cost effectiveness of alternative systems design.~~

- ~~Coordinates and serves as liaison between vendors, consultants, finance and staff; consults with hardware and software vendors to determine feasibility and cost effectiveness of alternative system designs. Creates purchase requests, equipment replacement plans and develops yearly budgets.~~

- Maintains system security and confidentiality, including all system passwords and access codes. Maintains the physical security of computer rooms, ~~and~~ other areas as assigned, technical equipment, software, and applications.

- ~~Ensures the protection of District data with a well thought out, planned and tested disaster recovery plan.~~ Tests and maintains a District-wide disaster recovery plan.

- ~~Installs, maintains and updates PC hardware and software. Configures new users with necessary department applications, permissions and e-mail accounts; may also demonstrate the use of equipment.~~

- ~~Troubleshoots hardware and software problems; determines causes of errors or systems failure and takes corrective action. Coordinates maintenance of computing and networking equipment by contacting service vendors and consultants where necessary.~~

- Performs systems maintenance, upgrades, including troubleshooting problems or performance issues; maintains annual and support licenses and subscriptions.

- Actively pursues continued and current educational training via seminars, webinars, etc.; Maintains "state of the industry" knowledge level and remains current on the latest technological trends ~~by attending training and informational events~~.

- ~~Responds to questions and concerns from staff regarding networks or software problems; must be able to successfully communicate problem description and solutions to IS team, management and staff. Evaluate, develop and communicate recommendations based on industry standards and appropriateness for the District's environment.~~

CLASS SPECIFICATION

~~*INFORMATION SYSTEMS*~~ *TECHNOLOGY SPECIALIST*

- ~~Write clear and appropriate District technical policies, procedures and documentation which both technical and non-technical staff can understand.~~
- Serve as a resource for technology related functions, help, or training; ~~E~~establish and maintain effective working relationships ~~with those contacted in the course of the work. Maintain positive working relationships~~ with coworkers and management and interact effectively and professionally under pressure.
- Maintain technical aspects District's web sites through contracted vendors, or locally hosted servers. Interfaces with departments, enabling agile and accurate web management and information continuity.
- Understand and follow oral and written directions; communicate effectively, both orally and in writing; ~~technical and layman; and~~ understand and work within the scope of authority.
- ~~Maintain technical and creative oversight of District's web sites through contracted vendors.~~
- Performs other ~~related and peripheral~~ duties as required and necessary for the successful performance of this job.
-
- Provide ~~vacation and~~ temporary relief as required
-
-

WORKING CONDITIONS and PHYSICAL ABILITIES:

Work is performed in an office environment in close proximity with other workers and incumbent will be exposed to those conditions normally encountered in a business office environment. Incumbent must be able to perform the essential functions of the job satisfactorily. Physical demands require frequent standing, reaching, leaning, twisting, grasping, lifting and sitting for prolonged periods of time. Must carry moderately heavy boxes and/or utilize a hand truck or dolly. The ability to lift, push boxes and equipment or other material weighing up to 50 pounds or so. Incumbent must be able to see and hear in the normal range, with or without correction, and communicate verbally and in written form with great facility and must be able to be understood. Incumbent must have the stamina to work long hours and overtime, if assigned, and be willing to work an irregular schedule, which may include weekends, holidays, evenings and/or varying shifts if required. Incumbent must be able to drive safely to various District sites. Travel via air and or ground transportation is required.

QUALIFICATIONS (Knowledge and Abilities):

~~**Education/Experience:**~~

CLASS SPECIFICATION

~~*INFORMATION SYSTEMS*~~ *TECHNOLOGY SPECIALIST*

~~Graduation from high school/GED equivalent; increasingly responsible experience with relevant computer systems and/or working with personal computers, network administration including experience in research, analysis and development of solutions to user problems; local area networks, peripheral computer devices which may include, but not limited to printers, plotters, laser printers and scanners; developing web content, web monitoring and reporting tools, Internet systems and protocols, business applications, databases or enterprises applications; a Bachelor's degree in computer science, information systems or related field highly desired or any combination of education and experience that could provide the desired knowledge, skills and abilities.~~

~~Knowledge of:~~

- Must be able to perform all of the Essential Functions satisfactorily.
- Principles and practices of installation and operation of computer equipment, local and wide area networks, personal computer hardware and software, network systems and peripheral equipment;
- ~~p~~Principles and techniques for computer systems analysis, design and administration;
- ~~p~~Principles and techniques for work planning, scheduling, measurement and reporting; ~~current hardware and software supply sources, pricing and quality; basic programming languages,~~
- ~~p~~Programming techniques and a variety of operating systems, protocols, cabling methods and networking techniques;
- ~~a~~A working understanding ~~of the theories~~ for application and web development and databases; ~~basic understanding of programming and database languages as well as theory.~~

~~Ability to:~~

- Describe technical problems to determine appropriate action; read and understand technical manuals; analyze computer operations and organize their component parts into logical systems; able to perform extensive technical research.
- ~~analyze user needs and develop cost effective resolutions utilizing appropriate technology; documentation and reports relative to proper computer and systems operations; c~~Conduct training on systems operations;
- ~~prepare~~ Work with clear and concise written instructions on systems operations;
- ~~w~~Work with current operation platforms and systems; ~~understand and interpret technical information (oral and written);~~ adapt to rapidly changing technology;
- ~~e~~Establish and maintain good relations with others outside of, and within, the District and plan and accomplish goals.
- Organize work, set priorities, meet critical deadlines and follow up assignments with a minimum of direction.

~~Skill to:~~

CLASS SPECIFICATION

~~*INFORMATION SYSTEMS*~~ *TECHNOLOGY SPECIALIST*

~~Operate an office computer and a variety of word processing and software applications; operate and maintain a variety of office equipment, tools and machinery used on assigned work projects. Inspire and give direction to technical staff and consultants; display a wide degree of creativity and latitude; electrical, multitask, understand and manipulate processes.~~

OTHER REQUIREMENTS:

This position requires the possession of, or the ability to obtain, a valid California Class C Driver's License.

EDUCATION/EXPERIENCE:

A typical way to obtain the knowledge and abilities outlined above is:

- A high school diploma (or equivalent); and,
- An Associate's Degree, or completion of major course work from and accredited college or university equivalent to an Associate's Degree in computer science, information systems or closely related field, or any combination with professional certifications in Databases, Operating Systems, or Networking, or closely related field; and three years increasingly responsible related work experience or any combination of training and/or experience that could likely provide the desired knowledge and abilities; and,
- Increasingly responsible experience with relevant computer systems and/or working with personal computers, network administration; developing web content, web monitoring and reporting tools.

This position may require the possession of, or actively pursuing, information technology or related certifications.

☐ Approved:

_____	_____
~~ELDON HEASTON~~BRAD POIRIEZ	**JEAN BRACY**
Executive Director	Deputy Director~~,~~ - Administration~~ve Services~~

Date: _____

The following page(s) contain the backup material for Agenda Item: 1) Award an amount not to exceed $323,712 from the Mobile Source Emissions Reduction Fund Pool to Mitsubishi Cement Corporation to replace a 1979 Short Locomotive and a 1982 Detroit Diesel Trackmobile with a newer, cleaner engine technology; and 2) Author

MINUTES OF THE GOVERNING BOARD
OF THE MOJAVE DESERT AIR QUALITY MANAGEMENT DISTRICT
VICTORVILLE, CALIFORNIA

DATE: August 27, 2018

RECOMMENDATION: 1) Award an amount not to exceed $323,712 from the Mobile Source Emissions Reduction Fund Pool to Mitsubishi Cement Corporation to replace a 1979 Short Locomotive and a 1982 Detroit Diesel Trackmobile with a newer, cleaner engine technology; and 2) Authorize the Executive Director/APCO and staff to negotiate target time frames and technical project details and execute an agreement, approved as to legal form by the Office of District Counsel.

SUMMARY: This item awards grant in the amount not to exceed $323,712 using funds from the Mobile Source Emissions Reduction Fund Pool to replace two (2) pieces of equipment.

CONFLICT OF INTEREST: The parties to this agreement(s) will be the District, District Board members and officers and Mitsubishi Cement Corporation with its principals and agents.

BACKGROUND: Assembly Bill 2766 authorized MDAQMD to impose up to a $4 motor vehicle registration fee per vehicle licensed within the State of California to provide funds for air districts to meet new responsibilities mandated under the California Clean Air Act (CCAA). AB 2766 states that the fees shall be used to support district operated planning, monitoring, enforcement and technical studies necessary to implement the CCAA. The Mobile Source Emissions Reduction Program is funded in part by these fees collected on motor vehicle registrations.

MDAQMD received a grant application from Mitsubishi Cement Corporation. This project is an excellent candidate for the use of these funds. In upgrading their equipment the district expects to see a reduction in NOx, ROGs and PM emissions. It is the recommendation of the District to approve the project as the emission reductions achieve will help improve the air quality in the district.

REASON FOR RECOMMENDATION: Governing Board approval is needed to fund the proposal recommended by the District. Additionally, Governing Board authorization is needed for the Executive Director to execute the agreement with the recipient.

REVIEW BY OTHERS: This item was reviewed by Karen Nowak, District Counsel as to legal form and by Brad Poiriez, Executive Director on or about July 16, 2018.

FINANCIAL DATA: This action appropriates available funds available in the Mobile Source Emissions Reduction Fund Pool.

PRESENTER: Jorge Camacho, Grants Specialist.

The following page(s) contain the backup material for Agenda Item: Receive and file the Financial Report for FY 17, the period June 2018 which provides financial information and budget performance concerning the fiscal status of the District. Presenter: Jean Bracy, Deputy Director - Administration.

MINUTES OF THE GOVERNING BOARD
OF THE MOJAVE DESERT AIR QUALITY MANAGEMENT DISTRICT
VICTORVILLE, CALIFORNIA

AGENDA ITEM #10

DATE: August 27, 2018

RECOMMENDATION: Receive and file.

SUMMARY: Receive and file the Financial Report the month of June **FY18,** which provides financial information and budget performance concerning the fiscal status of the District.

CONFLICT OF INTEREST: None

BACKGROUND: The Financial Report provides financial information and budget performance concerning the fiscal status of the District. The included reports reflect the business activities of the District for the period referenced. The target variance for June respectively is 100% of Fiscal Year 2018.

The Preliminary (Pre- EOY Close/Audit) June financial statements indicate that the financial position for the District is sound yet close to the adopted general fund expenditure estimates. However, new Funding sources in excess of $1.2 million dollars resulted in excess revenue for the year. These funds are expected to be fully expended in FY19. The District ended FY18 at 109% of expected total revenue.

The Preliminary Finance Reports and Bank Reports are attached with the exception of the Balance Sheet (due to EOY close).

STATEMENT OF REVENUES & EXPENDITURES – This report describes the financial activities for each of the District's funds during the month indicated.

STATEMENT OF ACTIVITY – This report reflects the revenues received and expenses made in all funds for the month and the year to date against the adopted budget for FY 18. The line items "Program" and "Program Costs" refer to the revenue and those payments made from the District's grant funds (AB 2766 and Carl Moyer Fund).

CHECK REGISTERS – These reports list payments made for goods and services and fund transfers for the following District accounts since the last report to the Board:

REASON FOR RECOMMENDATION: Receive and file.

REVIEW BY OTHERS: This item was reviewed by Karen Nowak, District Counsel as to legal form and by Brad Poiriez, Executive Director/APCO on or before August 14, 2018.

FINANCIAL DATA: No change in appropriation is required at this time.

PRESENTER: Jean Bracy, Deputy Director / Administration

Mojave Desert AQMD

Statement of Revenues & Expenditures

For the Period Ending June 30, 2018

Financial Report

	General Fund	Mobile Emissions Program	Carl Moyer Program	Fiduciary Fund	Total Governmental Funds
Revenues					
Antelope Valley Air Quality Mngmnt Contract	121,096.93	0.00	0.00	0.00	121,096.93
Other Contracts	0.00	0.00	0.00	0.00	0.00
Application and Permit Fees	309,919.41	0.00	0.00	0.00	309,919.41
AB 2766 and Other Program Revenues	331,894.85	168,751.91	20,832.00	0.00	521,478.76
Fines	0.00	0.00	0.00	0.00	0.00
Investment Earnings	0.00	0.00	0.00	0.00	0.00
Federal and State	1,205,822.00	0.00	0.00	0.00	1,205,822.00
Other Revenue	0.00	0.00	0.00	0.00	0.00
Total Revenues	**1,968,733.19**	**168,751.91**	**20,832.00**	**0.00**	**2,158,317.10**
Expenditures					
Salaries and Benefits	589,220.57	0.00	0.00	0.00	589,220.57
Services and Supplies	(9,298.53)	395,502.66	20,832.00	0.00	407,036.13
Contributions to Other Participants	0.00	0.00	0.00	0.00	0.00
Capital Outlay Improvements and Equipment	10,452.18	0.00	0.00	0.00	10,452.18
Total Expenditures	**590,374.22**	**395,502.66**	**20,832.00**	**0.00**	**1,006,708.88**
Excess Revenue Over (Under) Expenditures	**1,378,358.97**	**(226,750.75)**	**0.00**	**0.00**	**1,151,608.22**

Mojave Desert AQMD

Statement of Activity - All Funds

For the Period Ending June 30, 2018

Financial Report

	M-T-D Actual	Y-T-D Actual	Y-T-D Budget	% Budget to Actual
Revenues				
Revenue - Permitting	308,659.56	4,489,548.66	4,400,000.00	102.04
Revenue - Programs	521,653.76	1,770,610.90	2,424,008.00	73.04
Revenue - Application Fees	17,596.93	150,349.28	81,000.00	185.62
Revenue - State	1,166,822.00	1,367,627.82	178,000.00	768.33
Revenue - Federal	39,000.00	156,467.00	132,900.00	117.73
Fines & Penalties	0.00	197,716.27	82,000.00	241.12
Interest Earned	0.00	107,728.70	82,900.00	129.95
Revenue - Contracts & Unidentified	121,096.93	1,354,982.40	1,313,050.00	103.19
Permit Cancellations	(16,512.08)	(103,832.70)	0.00	0.00
Total Revenues	**2,158,317.10**	**9,491,198.33**	**8,693,858.00**	**109.17**
Expenditures				
Office Expenses	27,080.06	262,125.64	222,900.00	117.60
Communications	16,733.66	80,005.57	95,375.00	83.89
Vehicles	5,025.77	67,598.82	67,250.00	100.52
Program Costs	359,534.66	913,575.27	1,581,508.00	57.77
Travel	3,394.43	79,990.88	75,750.00	105.60
Professional Services	(11,895.46)	106,690.84	104,300.00	102.29
Depreciation	0.00	1,784.64	3,000.00	59.49
Maintenance & Repairs	10,202.76	79,575.21	87,350.00	91.10
Non-Depreciable Inventory	1,679.22	36,352.89	20,700.00	175.62
Dues & Subscriptions	2,304.17	44,224.83	42,350.00	104.43
Legal	1,751.00	61,686.13	61,096.00	100.97
Miscellaneous Expense	462.02	12,985.07	4,000.00	324.63
Suspense	(9,236.16)	(34,609.10)	0.00	0.00
Capital Expenditures	10,452.18	118,641.80	192,500.00	61.63
Total Expenditures	**417,488.31**	**1,830,628.49**	**2,558,079.00**	**71.56**
Salaries & Benefits				
Personnel Expenses	589,220.57	6,072,306.99	6,123,679.00	99.16
Total Salaries & Benefits	**589,220.57**	**6,072,306.99**	**6,123,679.00**	**99.16**
Excess Revenue Over (Under) Expenditures	**1,151,608.22**	**1,588,262.85**	**12,100.00**	**13,126.14**

Mojave Desert AQMD

Bank Register from 6/01/2018 to 6/30/2018

Wells Fargo Operating

Check/Ref	Date	Name/Description	Check Amount	Deposit Amount	Account Balance
20130927	6/01/2018	Credit Card Transaction - Karland	0.00	346.08	921,482.28
20130927	6/01/2018	Credit Card Transaction - Terrible Herbst	0.00	274.00	921,756.28
20130927	6/04/2018	Credit Card Transactions - SBCo Fleet	0.00	2,481.87	924,238.15
20130927	6/04/2018	Credit Card Transactions - GE Aviation & High Desert 76	0.00	1,654.90	925,893.05
20130927	6/04/2018	Credit Card Transactions - SBCo Fleet	0.00	1,216.33	927,109.38
20130927	6/04/2018	Credit Card Transaction - Sully Miller	0.00	283.51	927,392.89
BP0618	6/04/2018	Voya 401(a) June Contribution BP	987.50	0.00	926,405.39
June 18	6/04/2018	[10047] COLONIAL INSURANCE-Supp Insurance June 18	455.86	0.00	925,949.53
EFT	6/06/2018	Pay period ending 5/25/2018	104,539.31	0.00	821,410.22
7399728	6/06/2018	Wage Works FSA Claim Payout	254.00	0.00	821,156.22
PP12/18	6/06/2018	[10082] VOYA FINANCIAL (457)-PP12/18 - 457 Deduction	10,054.51	0.00	811,101.71
20130931	6/07/2018	Credit Card Transaction - Walmart	0.00	302.90	811,404.61
20130931	6/07/2018	Credit Card Transaction - Thomas Eckel	0.00	156.00	811,560.61
0007384	6/07/2018	[02333] ADVANCED AUTO COLLISION-Refund: Refund Hot Spot Fee FY 2017 -2018	70.00	0.00	811,490.61
0007385	6/07/2018	[10007] AIR TECH SERVICES-HVAC Compressor Replacement	2,800.00	0.00	808,690.61
0007386	6/07/2018	[15040] CINTAS-AED Service June 2018	27.91	0.00	808,662.70
0007387	6/07/2018	[10067] ENTERPRISE RENT A CAR-CAPCOA 2018 Spring Membership Conference.	651.57	0.00	808,011.13
0007388	6/07/2018	[15028] FEDAK & BROWN LLP-Invoices May18, May18	2,200.00	0.00	805,811.13
0007389	6/07/2018	[10263] IN SHAPE HEALTH CLUBS INC-Pay Period 12/2018 - GymDed	187.80	0.00	805,623.33
0007390	6/07/2018	[02334] KARLAND LLC - REMBRANDT PAINT AND BODY-Refund: Refund Hot Spot Fee FY 2017-2018	70.00	0.00	805,553.33
EFT	6/07/2018	[10200] MOJAVE DESERT AQMD-Pay Period 12/2018 - FSADed	570.83	0.00	805,553.33
0007391	6/07/2018	[10094] MOJAVE PRINTING SOLUTIONS-MDAQMD Qrlty Newsletter	1,100.63	0.00	804,452.70
0007392	6/07/2018	[10109] PHELAN PINON HILLS CSD-Electric use fee May 2018	160.00	0.00	804,292.70
0007393	6/07/2018	[10114] RAINBOW BUILDING MAINTENANCE-Custodial Service May 2018	1,948.00	0.00	802,344.70
0007394	6/07/2018	[00030] RANCHO MOTORS, CO-Refund: Refund Hot Spot Fee FY 2017-2018	70.00	0.00	802,274.70
0007395	6/07/2018	[15050] RICOH USA INC-Copy Overages May 2018	377.84	0.00	801,896.86
0007396	6/07/2018	[10126] SBCERA-Pay Period 12/2018 - SBCERADefer, SBCERAMatch, SBCERAPickUp, SurvivorInsBen, SurvivorInsDed, RetireCashBen	69,710.42	0.00	732,186.44
0007397	6/07/2018	[10213] SBPEA-Pay Period 12/2018 - GeneralUnitDues	498.95	0.00	731,687.49
0007398	6/07/2018	[15001] SBPIS-Pay Period 12/2018 - GeneralUnitMisc	107.00	0.00	731,580.49
0007399	6/07/2018	[10137] SOUTHWEST GAS CORP-Gas Service May 2018	20.91	0.00	731,559.58
0007400	6/07/2018	[10161] UNITED WAY DESERT COMMUNITIES-Pay Period 12/2018 - UnitedWay	4.00	0.00	731,555.58
EFT	6/07/2018	[10173] VOYAGER FLEET SERVICE-Fuel Card Charges May 2018	1,823.30	0.00	731,555.58
20130948	6/07/2018	Credit Card Transaction - Thomas Eckel	0.00	156.00	729,317.45
#7908	6/08/2018	[10071] BUSINESS CARD-#7908 - June	81.78	0.00	729,235.67
#7885	6/08/2018	[10071] BUSINESS CARD-#7885 - June	1,231.05	0.00	728,004.62
#3042	6/08/2018	[10071] BUSINESS CARD-#3042 - June	1,865.75	0.00	726,138.87
#1042	6/08/2018	[10071] BUSINESS CARD-#1042 - June	441.00	0.00	725,697.87
#6251	6/08/2018	[10071] BUSINESS CARD-#6251 - June	721.74	0.00	724,976.13
#4837	6/08/2018	[10071] BUSINESS CARD-#4837 - June	561.14	0.00	724,414.99

Check/Ref	Date	Name/Description	Check Amount	Deposit Amount	Account Balance
#6232	6/08/2018	[10071] BUSINESS CARD-#6232 - June	4,040.25	0.00	720,374.74
#8110	6/08/2018	[10071] BUSINESS CARD-#8110 - June	3,212.40	0.00	717,162.34
#6210	6/08/2018	[10071] BUSINESS CARD-#6210 - June	2,685.17	0.00	714,477.17
20130932	6/11/2018	Credit Card Transaction - SCCC Group	0.00	274.00	714,751.17
20130932	6/11/2018	Credit Card Transaction - The JV Land Clearing Co	0.00	132.00	714,883.17
20130932	6/11/2018	Credit Card Transaction - SBCo Fleet	0.00	501.02	715,384.19
20130935	6/13/2018	Credit Card Transaction - Storopak	0.00	156.00	715,540.19
PP18/12	6/13/2018	[14296] INTERNAL REVENUE SERVICE-PP12/18 - 3rd party sick	64.50	0.00	715,475.69
PP12/18	6/13/2018	[14296] INTERNAL REVENUE SERVICE-PP12/18 - FITW, FICA, Med	17,874.33	0.00	697,601.36
CP134B	6/13/2018	[14296] INTERNAL REVENUE SERVICE-Notice of amount due	1,136.27	0.00	696,465.09
PP12/18	6/14/2018	[10064] EMPLOYMENT DEVELOPMENT DEPARTMENT-PP12/18 - SWT	5,262.70	0.00	691,202.39
0007401	6/14/2018	[10057] ALLIED ADMIN-Invoices 2018-11, 2018-12, June18	2,423.19	0.00	688,779.20
0007402	6/14/2018	[14227] CHRISTIAN ANDERSON-CARB-Emission Inventory	301.24	0.00	688,477.96
EFT	6/14/2018	[10017] BEST BEST & KRIEGER LLP-Invoices 823123, 823124	1,751.00	0.00	688,477.96
0007403	6/14/2018	[14273] CAMARGO, EDGAR RUBEN-Attendance Governing Board Meeting Monday, June 11, 2018.	116.35	0.00	688,361.61
0007404	6/14/2018	[15040] CINTAS-AED Lease	106.67	0.00	688,254.94
EFT	6/14/2018	[14304] JOHN E COLE-Attendance Governing Board Meeting Monday, June 11, 2018.	200.83	0.00	688,254.94
0007405	6/14/2018	[10222] JOSEPH DE CONINCK-Attendance Governing Board Meeting Monday, June 11, 2018.	100.00	0.00	688,154.94
EFT	6/14/2018	[10065] ENTERPRISE FLEET MANAGEMENT-Fleet Maintenance and leases	3,291.32	0.00	688,154.94
0007406	6/14/2018	[10263] IN SHAPE HEALTH CLUBS INC-Pay Period 13/2018 - GymDed	214.80	0.00	687,940.14
0007407	6/14/2018	[14257] ROBERT J LEONE-Attendance Governing Board Meeting Monday, June 11, 2018.	182.84	0.00	687,757.30
EFT	6/14/2018	[10200] MOJAVE DESERT AQMD-Pay Period 13/2018 - FSADed	570.83	0.00	687,757.30
0007408	6/14/2018	[10106] PARS-PARS Contribution - GASB68 Trust	150,000.00	0.00	537,757.30
EFT	6/14/2018	[14256] BRAD A POIRIEZ-Invoices 2074, 2280	29.91	0.00	537,757.30
0007409	6/14/2018	[10126] SBCERA-Pay Period 13/2018 - SBCERADefer, SBCERAMatch, SBCERAPickUp, SurvivorInsBen, SurvivorInsDed, RetireCashBen	72,501.13	0.00	465,256.17
0007410	6/14/2018	[10213] SBPEA-Pay Period 13/2018 - GeneralUnitDues	499.73	0.00	464,756.44
0007411	6/14/2018	[15001] SBPIS-Pay Period 13/2018 - GeneralUnitMisc	107.00	0.00	464,649.44
0007412	6/14/2018	[10266] BARBARA J STANTON-Attendance Governing Board Meeting Monday, June 11, 2018.	108.72	0.00	464,540.72
0007413	6/14/2018	[10161] UNITED WAY DESERT COMMUNITIES-Pay Period 13/2018 - UnitedWay	4.00	0.00	464,536.72
0007414	6/14/2018	[10166] VERIZON BUSINESS-VOIP & Internet Service	1,190.95	0.00	463,345.77
2018024	6/14/2018	Op Fund Rep #23	0.00	776,430.04	1,233,931.92
20130939	6/18/2018	Credit Card Transaction - Quality Auto Body	0.00	307.63	1,234,239.55
EFT	6/20/2018	Pay period ending 6/08/2018	112,454.01	0.00	1,121,785.54
PP13/18	6/20/2018	[10082] VOYA FINANCIAL (457)-PP13/18 - 457 Deduction	10,054.51	0.00	1,111,731.03
20130939	6/20/2018	Credit Card Transaction - Ferrellgas	0.00	970.38	1,112,701.41
0007415	6/21/2018	[10004] AGILAIRE LLC-Model 8872 Data Logger for AVAPCD monitoring station	7,903.00	0.00	1,104,982.41

Check/Ref	Date	Name/Description	Check Amount	Deposit Amount	Account Balance
0007416	6/21/2018	[10007] AIR TECH SERVICES-Qrtly A/V HVAC INspection	380.00	0.00	1,104,602.41
0007417	6/21/2018	[10013] AT & T-Complaint Line Charges	40.95	0.00	1,104,561.46
0007418	6/21/2018	[10031] CDW - G-Purchase 28 port 10gbps Managed Switch	2,392.85	0.00	1,102,168.61
0007419	6/21/2018	[15069] CMR PROMOTIONS & EMBROIDERY-Invoices 2273, 25803	4,411.59	0.00	1,097,757.02
0007420	6/21/2018	[14246] DANIEL CONCHO-Inspections in Needles and Blythe. 3/26/2018 - 3/27/2018.	184.00	0.00	1,097,573.02
0007421	6/21/2018	[10088] HI DESERT GARDENS INC-Landscsape Service March 2018	280.00	0.00	1,097,293.02
0007422	6/21/2018	[15068] MAKE YOUR BUSINEESS GROW-New lanyards and Spray Fans	1,513.89	0.00	1,095,779.13
0007423	6/21/2018	[10136] SOUTHERN CALIF EDISON-Electric Service	1,745.39	0.00	1,094,033.74
0007424	6/21/2018	[10145] STAPLES INC-Office Supplies	551.90	0.00	1,093,481.84
0007425	6/21/2018	[10150] THE COUNSELING TEAM-EAP hours	180.00	0.00	1,093,301.84
0007426	6/21/2018	[10174] WEST GROUP-Subscription info charges	866.93	0.00	1,092,434.91
0007427	6/21/2018	[14215] MICHELLE ZUMWALT-CAPCOA Spring Planning Managers Conference - Travel and Accomodations	223.99	0.00	1,092,210.92
20130939	6/21/2018	Wells Fargo ACH - SBCo Solid Waste	0.00	5,860.53	1,098,071.45
PP13/18	6/22/2018	[10064] EMPLOYMENT DEVELOPMENT DEPARTMENT-PP13/18 SWT	4,520.22	0.00	1,093,551.23
PP13/18	6/22/2018	[14296] INTERNAL REVENUE SERVICE-PP13/18 - 3rd party Sick	64.51	0.00	1,093,486.72
PP13/18	6/22/2018	[14296] INTERNAL REVENUE SERVICE-PP13/18 - FITW FIca Med	16,294.70	0.00	1,077,192.02
20130939	6/25/2018	Credit Card Transaction - SCE	0.00	307.63	1,077,499.65
0007428	6/28/2018	[10021] CAL PUBLIC EMP RETIREMENT SYSTEM-Invoices 100000015333204, 2018-12, 2018-13	40,269.20	0.00	1,037,230.45
0007429	6/28/2018	[14273] CAMARGO, EDGAR RUBEN-Attendance Governing Board Meeting Monday, June 25, 2018.	116.35	0.00	1,037,114.10
0007430	6/28/2018	[10040] CITY OF HESPERIA-Olive Street rent 07/01/2017 - 06/30/2018	3,770.00	0.00	1,033,344.10
EFT	6/28/2018	[14304] JOHN E COLE-Attendance Governing Board Meeting Monday, June 25 2018.	200.83	0.00	1,033,344.10
0007431	6/28/2018	[11809] CHRIS COLLINS-License plate registration fee for air monitoring PM2.5 trailer	47.00	0.00	1,033,297.10
0007432	6/28/2018	[10228] JAMES L COX-Attendance Governing Board Meeting Monday, June 25, 2018.	100.00	0.00	1,033,197.10
0007433	6/28/2018	[15048] JEREMY CRAIG-AP206 - CalEPA Basic Inspector Academy: In Class	177.00	0.00	1,033,020.10
0007434	6/28/2018	[10229] CARMEN HERNANDEZ-Attendance Governing Board Meeting Monday June 25, 2018.	136.92	0.00	1,032,883.18
0007435	6/28/2018	[10076] HI DESERT WINDOW WASHING-Window Washing June 18	200.00	0.00	1,032,683.18
0007436	6/28/2018	[14257] ROBERT J LEONE-Attendance Governing Board Meeting Monday, June 25, 2018.	182.84	0.00	1,032,500.34
0007437	6/28/2018	[10224] ROBERT LOVINGOOD-Attendance Governing Board Meeting Monday,June 25, 2018.	100.00	0.00	1,032,400.34
0007438	6/28/2018	[15005] MAY MAMARI-Invoices 2310, 611	418.00	0.00	1,031,982.34
0007439	6/28/2018	[10094] MOJAVE PRINTING SOLUTIONS-Business Cards R. Orr	30.21	0.00	1,031,952.13
0007440	6/28/2018	[15023] OLIVIA NESSIM-Invoices 2309, 609	418.00	0.00	1,031,534.13
0007441	6/28/2018	[10244] PAUL'S PRECISION MAINTENANCE-Invoices 2364, 2365	3,500.00	0.00	1,028,034.13
0007442	6/28/2018	[15025] V MANUEL PEREZ-Attendance Governing Board Meeting Monday, June 25, 2018.	100.00	0.00	1,027,934.13

Mojave Desert AQMD

Bank Register from 6/01/2018 to 6/30/2018

Wells Fargo Operating

Check/Ref	Date	Name/Description	Check Amount	Deposit Amount	Account Balance
EFT	6/28/2018	[14256] BRAD A POIRIEZ-CAPCOA Board Meeting.	128.00	0.00	1,027,934.13
0007443	6/28/2018	[15050] RICOH USA INC-Copy Charges June 18	561.66	0.00	1,027,372.47
0007444	6/28/2018	[10223] BARBARA RIORDAN-Attendance Governing Board Meeting Monday, June 25, 2018.	152.32	0.00	1,027,220.15
0007445	6/28/2018	[10144] STANDARD INSURANCE-Invoices 2018-10, 2018-12, June 18	1,320.28	0.00	1,025,899.87
0007446	6/28/2018	[10148] STRATEGIC PARTNERS GROUP-Legislative Services June 2018	2,100.00	0.00	1,023,799.87
0007447	6/28/2018	[14323] VSP-Invoices 2018-12, 2018-13, June 18	738.78	0.00	1,023,061.09
20130947	6/29/2018	Credit Card Transactions - SBCo - Koala - CA Biotechnology	0.00	1,533.42	1,024,265.68
20130947	6/29/2018	Credit Card Transaction - CA Biotechnology	0.00	340.50	1,024,606.18
		Total for Report:	**690,398.76**	**793,684.74**	

Mojave Desert AQMD

Bank Register from 6/01/2018 to 6/30/2018

General Fund MPA

Check/Ref	Date	Name/Description	Check Amount	Deposit Amount	Account Balance
2018020	6/04/2018	Transfer AB2766 10% Increase to General Fund	0.00	155,600.00	888,855.33
20130927	6/04/2018	Daily Deposit	0.00	8,899.81	897,755.14
20130928	6/04/2018	Daily Deposit	0.00	7,535.20	905,290.34
2018024	6/05/2018	Transfer AB2766 - February 2018	68,740.20	0.00	836,550.14
2018025	6/05/2018	Transfer AB2766 - March 2018	61,616.24	0.00	774,933.90
20130929	6/05/2018	Daily Deposit	0.00	30,837.65	805,771.55
20130930	6/05/2018	SBCo ACH - Commander NAWS	0.00	809.10	806,580.65
20130931	6/07/2018	Daily Deposit	0.00	447,590.23	1,254,170.88
2018026	6/08/2018	Transfer AB2766 - April 2018	55,165.89	0.00	1,199,004.99
20130932	6/08/2018	Daily Deposit	0.00	15,211.32	1,214,216.31
20130942	6/08/2018	SBCo ACH - MDAQMD	0.00	570.83	1,214,787.14
20130934	6/11/2018	Daily Deposit	0.00	12,547.72	1,227,334.86
20130935	6/13/2018	Daily Deposit	0.00	9,074.95	1,236,409.81
2018024	6/14/2018	Op Fund Rep #23	776,430.04	0.00	459,979.77
20130939	6/15/2018	SBCo ACH - MDAQMD	0.00	570.83	460,550.60
20130936	6/18/2018	Daily Deposit	0.00	43,025.98	503,576.58
20130943	6/18/2018	SBCo ACH - USMC	0.00	4,341.36	507,917.94
20130944	6/18/2018	SBCO ACH = Arcadis	0.00	276.08	508,194.02
20130937	6/19/2018	Daily Deposit	0.00	176,609.09	684,803.11
20130938	6/25/2018	Dailuy Deposit	0.00	118,159.00	802,962.11
20130945	6/26/2018	Daily Deposit	0.00	30,564.46	833,526.57
20130946	6/28/2018	Daily Deposit	0.00	15,555.55	849,082.12
		Total for Report:	**961,952.37**	**1,077,779.16**	

Mojave Desert AQMD

Bank Register from 6/01/2018 to 6/30/2018

AB2766 MPE

Check/Ref	Date	Name/Description	Check Amount	Deposit Amount	Account Balance
2018020	6/04/2018	Transfer AB2766 10% Increase to General Fund	155,600.00	0.00	1,430,046.66
2018024	6/05/2018	Transfer AB2766 - February 2018	0.00	68,740.20	1,498,786.86
2018025	6/05/2018	Transfer AB2766 - March 2018	0.00	61,616.24	1,560,403.10
2018026	6/08/2018	Transfer AB2766 - April 2018	0.00	55,165.89	1,615,568.99
		Total for Report:	**155,600.00**	**185,522.33**	

Mojave Desert AQMD

Bank Register from 6/01/2018 to 6/30/2018

WF AB2766

Check/Ref	Date	Name/Description	Check Amount	Deposit Amount	Account Balance
0003008	6/14/2018	[10240] ENVIRONMENTAL ENGINEERING STUDIES-AB2766 Grant	7,797.84	0.00	1,648,085.65
0003009	6/28/2018	[10037] CITY OF BARSTOW-AB2766 Grant	146,339.00	0.00	1,501,746.65
0003010	6/28/2018	[15062] PALO VERDE VALLEY TRANSIT AGENCY-AB2766 Grant	164,549.06	0.00	1,337,197.59
		Total for Report:	**318,685.90**	**0.00**	

Mojave Desert AQMD

Bank Register from 6/01/2018 to 6/30/2018

WF Carl Moyer

Check/Ref	Date	Name/Description	Check Amount	Deposit Amount	Account Balance
0001000	6/28/2018	[10037] CITY OF BARSTOW-Moyer Grant	20,832.00	0.00	479,168.00
		Total for Report:	**20,832.00**	**0.00**	

The following page(s) contain the backup material for Agenda Item: Receive and file the Legislative Report for July 26, 2018. Presenter: Brad Poiriez.

MINUTES OF THE GOVERNING BOARD
OF THE MOJAVE DESERT AIR QUALITY MANAGEMENT DISTRICT
VICTORVILLE, CALIFORNIA

AGENDA ITEM #11

DATE: August 27, 2018

RECOMMENDATION: Receive and file.

SUMMARY: The Legislative Report for July 26, 2018.

CONFLICT OF INTEREST: None

BACKGROUND: Legislative actions proposed at the federal and state level have the potential to impact the implementation of the District's mission as well as its regulatory operations. An important tool for the District is to monitor the flood of information and its status which allows for comment early in the process and preparation for any changes that may be required. The District contracts this service and receives periodic reports with summaries to help sort the pertinent legislative proposals.

Strategic Partners Group (SPG) is the consultant to the District providing this service to monitor certain legislative and regulatory activities at the state and local level. Staff will direct questions to SPG regarding any of the material presented or follow up on any matter of interest to the Governing Board. Following the table of proposed legislation are several Articles of Interest of relevant information.

REASON FOR RECOMMENDATION: This item is provided for information subject to direction of the Governing Board.

REVIEW BY OTHERS: This item was reviewed by Karen Nowak, District Counsel, as to legal form on or about July 30, 2018.

FINANCIAL DATA: No increase in appropriation is anticipated.

PRESENTER: Brad Poiriez, Executive Director

STRATEGIC PARTNERS GROUP
Government Affairs and Communication Consulting

FRANK T. SHEETS, III
LAURIE HANSEN SHEETS

MEMORANDUM

TO: **Brad Poiriez**

FROM: **Frank Sheets**
Laurie Hansen

DATE: **July 26, 2018**

As always, Strategic Partners Group is pleased to provide our latest Legislative report to the Mojave Desert AQMD.

The State Legislature has been out on Summer Recess since July 6 and will reconvene on August 6. They will have three weeks to get any remaining work done. The 2018 Legislative Session will end on August 31. All bills will have to be passed to the Governor by that date.

The District's last report contained 47 measures while our current version contains 36. The difference is represented by bills from our last report that at that time were dead, and hence removed. Bills that are currently considered dead but have not been removed include AB 1901, AB 1970, and AB 2336. AB 1901 was an Obernolte bill dealing with CEQA and roadways and seemed reasonable to us, however others obviously did not agree.

We would like to bring to the Districts attention AB 2008, AB 2195, and AB 2453 in that these bills if passed could impact future District responsibilities. Also, AB 2091 may be of interest only because of what it proposes not to do. The bill originally dealt with air emissions from forest fires. Amendments now result in the bill basically being administrative in nature and has minimal air quality implications. We may consider removing this bill from future reports.

AB 1933 has also seen some interesting amendments. Recall in out last report the bill called for significant monies from the GHG fund to support composing infrastructure. The bill no longer specifically requests such funding and continues to deal with composting, however now, oddly in our opinion, discusses recycling food waste for human consumption. An up to date analysis has not been done as of yet so it is somewhat nebulous what this proposal represents. AB 2346 also dealt with air quality issues from wildfires and now addresses how utilities may be reimbursed from costs associated with wildfires thru rates structure adjustments.

Also, please note, AB 64, a new bill on the district's list in our last report, has been significantly amended. We brought this bill to the District's attention due to potentially significant implications to District responsibilities. The bill now only calls for the direct reporting of emissions from certain generation facilities directly to ARB. It is possible the strong oppose position expressed by Cal Chamber and WISPA had something to do with the moderation of the bill.

And, for your information, both bills dealing with the Salton Sea restoration, SB 1271 and SB 701, remain viable.

As always, should questions arising from this report, please feel to contact us at your convenience.

MDAQMD bills 2018

7/26/2018

AB 1775 (Muratsuchi D) State lands: leasing: oil and gas.
Current Analysis: 06/22/2018 Senate Natural Resources And Water (text 4/18/2018)
Introduced: 1/4/2018
Last Amend: 4/18/2018
Status: 6/26/2018-From committee: Do pass and re-refer to Com. on APPR. (Ayes 7. Noes 2.) (June 26). Re-referred to Com. on APPR.
Location: 6/26/2018-S. APPR.

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House							

Calendar: 8/6/2018 10 a.m. - John L. Burton Hearing Room (4203)
SENATE APPROPRIATIONS, PORTANTINO, Chair

Summary: Would prohibit the State Lands Commission or a local trustee, as defined, of granted public trust lands from entering into any new lease or other conveyance authorizing new construction of oil- and gas-related infrastructure upon tidelands and submerged lands within state waters associated with Outer Continental Shelf leases issued after January 1, 2018. The bill would provide that these provisions do not prevent specified activities, including, among others, issuance by the commission of leases pursuant to exceptions applicable to the California Coastal Sanctuary described above. The bill would authorize the commission to establish regulations for the implementation of these provisions.

Notes 1: This bill is obviously a reaction to the Trump administration proposal to expand coastal oil and gas exploration.

AB 1901 (Obernolte R) California Environmental Quality Act: exemption: roadway projects.
Current Analysis: 06/18/2018 Senate Environmental Quality (text 4/18/2018)
Introduced: 1/22/2018
Last Amend: 4/18/2018
Status: 7/6/2018-Failed Deadline pursuant to Rule 61(b)(14). (Last location was S. E.Q. on 5/10/2018)
Location: 7/6/2018-S. DEAD

Desk	Policy	Fiscal	Floor	Desk	Dead	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House							

Summary: CEQA, until January 1, 2020, exempts a project or an activity to repair, maintain, or make minor alterations to an existing roadway, as defined, if the project or activity is carried out by a city or county with a population of less than 100,000 persons to improve public safety and meets other specified requirements, including a requirement that the project involves negligible or no expansion of an existing use beyond that existing at the time of the lead agency's determination. This bill would extend the above exemption to January 1, 2023. The bill would revise the requirement described above to specify that the exemption applies if, among other things, the project involves negligible or no expansion of an existing vehicular use beyond that existing at the time of the lead agency's determination.

Notes 1: For a Republican representative, in the past Obernolte has been quite successful with his legislative proposals. This bill however did not garner the support necessary to pass.

AB 1915 (Mathis R) Building Homes and Jobs Act: recording fee: mining claims.
Current Analysis: 05/07/2018 Assembly Housing And Community Development (text 1/23/2018)
Introduced: 1/23/2018
Status: 5/9/2018-In committee: Set, first hearing. Failed passage. Reconsideration granted.
Location: 5/9/2018-A. H. & C.D.

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf.	Enrolled	Vetoed	Chaptered

1st House	2nd House	Conc.			

Summary: Current law imposes a charge, except as provided, of $75 to be paid at the time of the recording of every real estate instrument, paper, or notice required or permitted by law to be recorded, per each single transaction per single parcel of real property, not to exceed $225. Current law defines "real estate instrument, paper, or notice" for this purpose as a document relating to real property and specifies a nonexhaustive list of documents deemed to be a "real estate instrument, paper, or notice." This bill would exclude from this definition of "real estate instrument, paper, or notice," and thereby exempt from the recording fee, any document recorded in relation to a mining claim, as provided.

Notes 1: Although this is not an air bill, we include it because of the amount mining within the MDAQMD. There has been no activity on this bill since May and if rules are followed, the bill should technically be dead however we will keep it on the District's list until a definitive status is determined.

AB 1933

(Maienschein R) Greenhouse Gas Reduction Fund: recycling infrastructure projects.
Current Analysis: 06/18/2018 Senate Environmental Quality (text 5/25/2018)
Introduced: 1/24/2018
Last Amend: 6/25/2018
Status: 6/25/2018-Read second time and amended. Re-referred to Com. on APPR.
Location: 6/25/2018-S. APPR.

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House							

Calendar: 8/6/2018 10 a.m. - John L. Burton Hearing Room (4203)
SENATE APPROPRIATIONS, PORTANTINO, Chair

Summary: Current law requires the Department of Resources Recycling and Recovery, with additional moneys from the Greenhouse Gas Reduction Fund that may be appropriated to the department, to administer a grant program to provide financial assistance, in the form of grants, incentive payments, contracts, or other funding mechanisms, to reduce emissions of greenhouse gases by promoting the in-state development of infrastructure, food waste prevention, or other projects to reduce organic waste or to process organic and other recyclable materials into new value-added products. Current law specifies eligible uses that qualify for in-state infrastructure projects or other projects that reduce emissions of greenhouse gases as part of these funding mechanisms. This bill would additionally specify as an eligible use for in-state infrastructure projects or other projects that reduce emissions of greenhouse gases activities that expand and improve waste diversion and recycling, including the recovery of food for human consumption and food waste prevention.

Notes 1: AB 1933 previously sought specific funding amounts from the GHG fund to assist in enhanced recycling infrastructure. Although the bill still anticipates funding, specific amounts have been removed. The bill now proposes recovery of food for human consumption. We are not quite sure what that actually means. At this point there is not a current bill analysis on the most recent amendments.

AB 1945

(Garcia, Eduardo D) California Global Warming Solutions Act of 2006: Greenhouse Gas Reduction Fund: investment plan.
Current Analysis: 06/18/2018 Senate Environmental Quality (text 6/7/2018)
Introduced: 1/29/2018
Last Amend: 6/25/2018
Status: 6/25/2018-Read second time and amended. Re-referred to Com. on APPR.
Location: 6/25/2018-S. APPR.

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House							

Calendar: 8/6/2018 10 a.m. - John L. Burton Hearing Room (4203)
SENATE APPROPRIATIONS, PORTANTINO, Chair

Summary: Would require the State Air Resources Board to work with state agencies administering grant programs that allocate moneys from the fund to give specified communities preferential points during grant application scoring for programs intended to improve air quality and to include a specified application timeline for programs with competitive application processes and to allow applicants from the Counties of Imperial and San Diego to include daytime population numbers in grant applications.

AB 1970

(Garcia, Eduardo D) Low-carbon fuels: electric trucks and charging stations: zero-emission vans.
Current Analysis: 05/29/2018 Assembly Floor Analysis (text 5/25/2018)

Introduced: 1/31/2018
Last Amend: 5/25/2018
Status: 6/29/2018-Failed Deadline pursuant to Rule 61(b)(13). (Last location was S. E. U., & C. on 6/13/2018)
Location: 6/29/2018-S. DEAD

Desk	Policy	Fiscal	Floor	Desk	Dead	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House							

***Summary:** Current law requires the State Energy Resources Conservation and Development Commission, in partnership with the State Air Resources Board and in consultation with specified state agencies, to develop and adopt a state plan to increase the use of alternative fuels, as defined. This bill would require the commission to develop a pilot program for a pilot project, as specified, for the development of innovative low-carbon fuel, as defined.*

AB 1981 *(Limón D) Organic waste: composting.*
Current Analysis: 06/18/2018 Senate Environmental Quality (text 4/30/2018)
Introduced: 1/31/2018
Last Amend: 6/28/2018
Status: 6/28/2018-Read second time and amended. Re-referred to Com. on APPR.
Location: 6/20/2018-S. APPR.

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House							

***Summary:** Current law requires, until January 1, 2021, the California Environmental Protection Agency, in coordination with the Department of Resources Recycling and Recovery, the State Water Resources Control Board, the State Air Resources Board, and the Department of Food and Agriculture, to develop and implement policies to aid in diverting organic waste from landfills by promoting the composting of specified organic waste and by promoting the appropriate use of that compost throughout the state. This bill would revise and recast this and related provisions, including, among other changes, imposing additional duties on those state agencies relating to promoting the application of compost and additionally including the Department of Forestry and Fire Protection in the state agencies in coordination with which the California Environmental Protection Agency is required to develop and implement the above-specified policies.*

AB 2006 *(Eggman D) Charge Ahead California Initiative: agricultural worker vanpool programs.*
Current Analysis: 06/18/2018 Senate Environmental Quality (text 5/25/2018)
Introduced: 2/1/2018
Last Amend: 6/21/2018
Status: 6/25/2018-Withdrawn from committee. Re-referred to Com. on APPR.
Location: 6/25/2018-S. APPR.

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House							

Calendar: 8/6/2018 10 a.m. - John L. Burton Hearing Room (4203)
SENATE APPROPRIATIONS, PORTANTINO, Chair

***Summary:** Would require the State Air Resources Board, in consultation with the State Energy Resources Conservation and Development Commission, air pollution control and air quality management districts, and the public, to require existing agricultural vanpool programs to serve disadvantaged communities and low-income communities, as defined, and to allocate a minimum of 25% of the moneys appropriated for agricultural vanpool programs to those programs servicing low-income communities.*

***Notes 1:** This bill has been significantly amended and now contains conditions which may increase Air District responsibilities.*

AB 2008 *(Salas D) Income taxes: exclusion: Carl Moyer Memorial Air Quality Standards Attainment Programs grants.*
Current Analysis: 04/02/2018 Assembly Appropriations (text 3/20/2018)
Introduced: 2/1/2018
Last Amend: 3/20/2018
Status: 5/25/2018-In committee: Held under submission.
Location: 4/4/2018-A. APPR. SUSPENSE FILE

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House							

***Summary:** Would, under both the Personal Income Tax Law and the Corporation Tax Law, exclude from gross*

income any amount provided to a taxpayer pursuant to the Carl Moyer Memorial Air Quality Standards Attainment Program, as provided, until January 1, 2024. The bill would require an air district to provide the taxpayer with a certification of the amount issued pursuant to the program, available upon request to the Franchise Tax Board, and to annually provide the Franchise Tax Board with a data file containing specified information relating to the program. By imposing new requirements on air districts, the bill would create a state-mandated local program.

Notes 1: This is a bill dealing with the Carl Moyer program and should be of interest to the District. The bill seems to add new reporting responsibilities for the District. Considering there has been no action on this bill since May and it remains on the Suspense file, it's unlikely to move any further.

AB 2068 *(Chu D) Electricity: rates: public schools.*
Current Analysis: 06/15/2018 Senate Energy, Utilities And Communications (text 4/25/2018)
Introduced: 2/7/2018
Last Amend: 4/25/2018
Status: 6/19/2018-From committee: Do pass and re-refer to Com. on APPR. (Ayes 11. Noes 0.) (June 19). Re-referred to Com. on APPR.
Location: 6/19/2018-S. APPR.

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House							

Calendar: 8/6/2018 10 a.m. - John L. Burton Hearing Room (4203)
SENATE APPROPRIATIONS, PORTANTINO, Chair

Summary: Would require the Public Utilities Commission to direct all electrical and gas corporations to evaluate, and report findings to the commission on, the feasibility and economic impacts of establishing a public school electric and gas rate that would reflect a discount from the current rate structure. This bill would require the commission to compile these reports and submit this compilation to the Legislature, by January 1, 2020. Because a violation of the commission's directions would be a crime, this bill would impose a state-mandated local program.

AB 2091 *(Grayson D) Fire prevention: prescribed burns: insurance pool.*
Current Analysis: 06/22/2018 Senate Natural Resources And Water (text 5/25/2018)
Introduced: 2/7/2018
Last Amend: 7/3/2018
Status: 7/3/2018-Read second time and amended. Re-referred to Com. on APPR.
Location: 6/26/2018-S. APPR.

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House							

Calendar: 8/6/2018 10 a.m. - John L. Burton Hearing Room (4203)
SENATE APPROPRIATIONS, PORTANTINO, Chair

Summary: Current law establishes in the Department of Forestry and Fire Protection the State Board of Forestry and Fire Protection consisting of specified members who are selected and approved for appointment on the basis of their educational and professional qualifications and their general knowledge of, interest in, and experience with, among other things, forest management practices. This bill would rename the board the State Board of Forestry and Fire Prevention and Protection.

Notes 1: This bill no longer deals with forestry management and associated air emissions from wildfires. The bill now deals with administrative issues and board name changes and is of minimal interest to the District. The bill be removed from future reports unless amended.

AB 2127 *(Ting D) Electric vehicle charging infrastructure: assessment.*
Current Analysis: 06/18/2018 Senate Environmental Quality (text 4/16/2018)
Introduced: 2/8/2018
Last Amend: 4/16/2018
Status: 6/21/2018-From committee: Do pass and re-refer to Com. on APPR. with recommendation: To Consent Calendar. (Ayes 7. Noes 0.) (June 20). Re-referred to Com. on APPR.
Location: 6/20/2018-S. APPR.

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House							

Calendar: 8/6/2018 10 a.m. - John L. Burton Hearing Room (4203)

SENATE APPROPRIATIONS, PORTANTINO, Chair

Summary: Would require the Energy Commission, working with the State Air Resources Board and the PUC, to prepare and biennially update a statewide assessment of the electric vehicle charging infrastructure needed to support the levels of electric vehicle adoption required for the state to meet its goals of putting at least 5 million zero-emission vehicles on California roads by 2030 and of reducing emissions of greenhouse gases to 40% below 1990 levels by 2030. The bill would require the Energy Commission to regularly seek data and input from stakeholders relating to electric vehicle charging infrastructure.

AB 2145 ***(Reyes D) Vehicular air pollution.***
Current Analysis: 06/18/2018 Senate Environmental Quality (text 5/17/2018)
Introduced: 2/12/2018
Last Amend: 5/17/2018
Status: 6/21/2018-From committee: Do pass and re-refer to Com. on APPR. with recommendation: To Consent Calendar. (Ayes 7. Noes 0.) (June 20). Re-referred to Com. on APPR.
Location: 6/21/2018-S. APPR.

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House							

Calendar: 8/6/2018 10 a.m. - John L. Burton Hearing Room (4203)
SENATE APPROPRIATIONS, PORTANTINO, Chair

Summary: Would add as eligible projects for the California Clean Truck, Bus, and Off-Road Vehicle and Equipment Technology Program those projects that support grid integration and integrated storage solutions and charging management demonstration and analytics. The bill would additionally require the energy commission, as part of the guidance developed for the program, to advise the State Air Resources Board on to how to allocate moneys for vehicle charging infrastructure consistent with the energy commission's investment plan strategies on charging infrastructure that is part of the California Alternative and Renewable Fuel, Vehicle Technology, Clean Air, and Carbon Reduction Act of 2007. The bill instead would require the guidance to promote projects that assist the state in reaching its climate goals beyond 2030.

AB 2195 ***(Chau D) Natural gas: out-of-state sources: greenhouse gases.***
Current Analysis: 06/18/2018 Senate Environmental Quality (text 4/16/2018)
Introduced: 2/12/2018
Last Amend: 6/25/2018
Status: 6/25/2018-Read second time and amended. Re-referred to Com. on APPR.
Location: 6/25/2018-S. APPR.

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House							

Calendar: 8/6/2018 10 a.m. - John L. Burton Hearing Room (4203)
SENATE APPROPRIATIONS, PORTANTINO, Chair

Summary: Would, beginning January 1, 2020, additionally require the State Air Resources Board to quantify and publish annually the amount of greenhouse gas emissions resulting from the loss or release of uncombusted natural gas to the atmosphere and emissions from natural gas flares during all processes associated with the production, processing, and transporting of natural gas imported into the state from out-of-state sources.

Notes 1: Assembly Member Chau's AB 2195, as amended, appears to increase Air District reporting responsibilities. The District may want to review in order to fully understand the extend of additional responsibilities.

AB 2336 ***(Salas D) Schoolbuses: retrofit and replacement.***
Current Analysis: 06/18/2018 Senate Environmental Quality (text 5/25/2018)
Introduced: 2/13/2018
Last Amend: 5/25/2018
Status: 6/29/2018-Failed Deadline pursuant to Rule 61(b)(13). (Last location was S. E.Q. on 6/13/2018)
Location: 6/29/2018-S. DEAD

Desk	Policy	Fiscal	Floor	Desk	Dead	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House							

Summary: Would require the State Air Resources Board to prioritize the retrofit or replacement of the most polluting and oldest schoolbuses that operate in air districts that are designated federal extreme nonattainment, followed by

small air districts, and then medium air districts, as specified.

AB 2346 *(Quirk D) Public utilities: rates: wildfire expense memorandum accounts.*
Current Analysis: 06/25/2018 Senate Energy, Utilities And Communications (text 6/13/2018)
Introduced: 2/13/2018
Last Amend: 7/5/2018
Status: 7/5/2018-Read second time and amended. Re-referred to Com. on APPR.
Location: 6/27/2018-S. APPR.

Desk	Policy	Fiscal	Floor	Desk	Policy	**Fiscal**	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House							

Calendar: 8/6/2018 10 a.m. - John L. Burton Hearing Room (4203)
SENATE APPROPRIATIONS, PORTANTINO, Chair

Summary: This bill would authorize the Public Utilities Commission, by an unspecified date, to permit each electrical corporation and gas corporation to establish a wildfire expense memorandum account for costs relating to California wildfires that occur on or after January 1, 2015, and to record certain costs in those accounts. The bill would require the recovery in rates of those costs to be subject to review by, and the determination of, the commission, as specified. The bill would require an electrical corporation or gas corporation to notify the commission by letter within 30 days after the electrical corporation or gas corporation begins recording costs in its wildfire expense memorandum account. This bill contains other related provisions and other existing laws.

Notes 1: The current version of AB 2346 allows utilities to account for costs associated with wildfires and at minimum present those costs to the PUC for consideration of reimbursement. The bill originally dealt with air quality implications but now probably is not of interest to the District.

AB 2378 *(Salas D) Greenhouse Gas Reduction Fund: report.*
Current Analysis: 05/26/2018 Assembly Floor Analysis (text 4/26/2018)
Introduced: 2/14/2018
Last Amend: 4/26/2018
Status: 6/7/2018-Referred to Com. on RLS.
Location: 5/30/2018-S. RLS.

Desk	Policy	Fiscal	Floor	Desk	**Policy**	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House							

Summary: Would require the State Air Resources Board, in consultation with the State Department of Public Health, to submit a specified report, as part of the Department of Finance's annual report, quantifying, for each program that has received moneys through January 1, 2020, from the Greenhouse Gas Reduction Fund, the public health impacts of each of those programs.

AB 2381 *(Carrillo D) Vehicles: emissions: certification, auditing, and compliance.*
Current Analysis: 06/21/2018 Senate Transportation And Housing (text 5/25/2018)
Introduced: 2/14/2018
Last Amend: 5/25/2018
Status: 6/27/2018-From committee: Do pass and re-refer to Com. on APPR. (Ayes 9. Noes 3.) (June 26). Re-referred to Com. on APPR.
Location: 6/26/2018-S. APPR.

Desk	Policy	Fiscal	Floor	Desk	Policy	**Fiscal**	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House							

Calendar: 8/6/2018 10 a.m. - John L. Burton Hearing Room (4203)
SENATE APPROPRIATIONS, PORTANTINO, Chair

Summary: Would require the State Air Resources Board to enhance its certification, audit, and compliance activities for new motor vehicles to detect defeat devices or other software used to evade emissions testing, as specified. The bill would authorize the state board to impose a fee on the manufacturers of new motor vehicles to cover the state board's costs associated with the state board's certification, audit, and compliance activities.

AB 2447 *(Reyes D) California Environmental Quality Act: land use: environmental justice.*
Current Analysis: 06/18/2018 Senate Environmental Quality (text 5/25/2018)
Introduced: 2/14/2018

Last Amend: 7/2/2018
Status: 7/2/2018-Read second time and amended. Re-referred to Com. on APPR.
Location: 6/20/2018-S. APPR.

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House							

Calendar: 8/6/2018 10 a.m. - John L. Burton Hearing Room (4203)
SENATE APPROPRIATIONS, PORTANTINO, Chair

Summary: Would, except as provided, require a lead agency that is preparing an EIR or a negative declaration to provide certain notices required by CEQA to owners and occupants of property located within1/2 mile of any parcel or parcels, and to any schools located within one mile of any parcel or parcels, on which is located a project involving a subject land use, as defined, for projects for which environmental review commences on or after July 1, 2019. The bill would require the lead agency to call at least one scoping meeting for those projects, as provided.

AB 2453 *(Garcia, Eduardo D) Air pollution: schools.*
Current Analysis: 06/18/2018 Senate Environmental Quality (text 4/26/2018)
Introduced: 2/14/2018
Last Amend: 6/25/2018
Status: 6/25/2018-Read second time and amended. Re-referred to Com. on APPR.
Location: 6/25/2018-S. APPR.

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House							

Calendar: 8/6/2018 10 a.m. - John L. Burton Hearing Room (4203)
SENATE APPROPRIATIONS, PORTANTINO, Chair

Summary: The Leroy F. Greene School Facilities Act of 1998 requires the State Allocation Board to allocate to applicant school districts prescribed per-unhoused-pupil state funding for the construction and modernization of school facilities, including hardship funding, and supplemental funding for site development and acquisition. This bill would authorize a grant for modernization under the act to be used to limit pupil exposure to harmful air pollutants by updating air filtration systems and would specify that this is declaratory of existing law.

Notes 1: If passed this bill could result in new District air monitoring responsibilities under certain conditions.

AB 2645 *(Patterson R) Greenhouse Gas Reduction Fund: forestry and fire prevention.*
Introduced: 2/15/2018
Status: 4/23/2018-In committee: Set, first hearing. Hearing canceled at the request of author.
Location: 3/8/2018-A. NAT. RES.

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House							

Summary: Would, beginning in the 2019–20 fiscal year, continuously appropriate $74,805,000 from the Greenhouse Gas Reduction Fund annually to the Department of Forestry and Fire Protection for purposes of fire prevention activities that reduce greenhouse gas emissions.

Notes 1: Another request for significant funds from the GHG fund for forestry management in California. Considering there has been no action on this bill since April we are surprised the bill in not being listed as dead.

AB 2885 *(Rodriguez D) Air Quality Improvement Program: Clean Vehicle Rebate Project.*
Current Analysis: 06/21/2018 Senate Transportation And Housing (text 6/13/2018)
Introduced: 2/16/2018
Last Amend: 6/13/2018
Status: 6/27/2018-From committee: Do pass and re-refer to Com. on APPR. (Ayes 12. Noes 0.) (June 26). Re-referred to Com. on APPR.
Location: 6/26/2018-S. APPR.

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House							

Calendar: 8/6/2018 10 a.m. - John L. Burton Hearing Room (4203)
SENATE APPROPRIATIONS, PORTANTINO, Chair

Summary: Would require the State Air Resources Board, for the purposes of the Clean Vehicle Rebate Project, to

provide outreach to low-income households and low-income communities to increase consumer awareness of the rebate project and to prioritize rebate payments to low-income applicants.

AB 3187 (Grayson D) Biomethane: gas corporations: rates: interconnection.
Current Analysis: 06/15/2018 Senate Energy, Utilities And Communications (text 5/1/2018)
Introduced: 2/16/2018
Last Amend: 5/1/2018
Status: 6/19/2018-From committee: Do pass and re-refer to Com. on APPR. (Ayes 11. Noes 0.) (June 19). Re-referred to Com. on APPR.
Location: 6/19/2018-S. APPR.

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House							

Calendar: 8/6/2018 10 a.m. - John L. Burton Hearing Room (4203)
SENATE APPROPRIATIONS, PORTANTINO, Chair

Summary: Current law requires the Public Utilities Commission, before exhaustion of the funds available pursuant to the biomethane monetary incentive program, and before the expiration of the program, to consider options to promote the in-state production and distribution of biomethane. With respect to the requirement that the commission consider options to promote the in-state production and distribution of biomethane, including consideration of recovery in rates of the costs of investments for the 3 purposes as specified, the bill would replace the requirement that this consideration be made before expiration of the program, to instead require the commission to open a proceeding to consider those options by no later than July 1, 2019.

AB 3232 (Friedman D) Zero-emissions buildings and sources of heat energy.
Current Analysis: 06/18/2018 Senate Environmental Quality (text 5/29/2018)
Introduced: 2/16/2018
Last Amend: 5/29/2018
Status: 6/21/2018-From committee: Do pass and re-refer to Com. on APPR. (Ayes 5. Noes 2.) (June 20). Re-referred to Com. on APPR.
Location: 6/21/2018-S. APPR.

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House							

Calendar: 8/6/2018 10 a.m. - John L. Burton Hearing Room (4203)
SENATE APPROPRIATIONS, PORTANTINO, Chair

Summary: Would require the State Energy Resources Conservation and Development Commission, by January 1, 2021, to assess the potential for the state to reduce the emissions of greenhouse gases from the state's residential and commercial building stock by at least 40% below 1990 levels by January 1, 2030. The bill would require the commission to include in the 2021 edition of the integrated energy policy report and all subsequent integrated energy policy reports a report on the emissions of greenhouse gases associated with the supply of energy to residential and commercial buildings.

Notes 1: AB 3232 originally called for aggressive reductions of GHG emissions from commercial and residential buildings. As amend, the bill now calls for an analysis of the possibility of making such reductions.

SB 64 (Wieckowski D) Fossil-fuel generation units.
Current Analysis: 06/26/2018 Assembly Utilities And Energy (text 6/20/2018)
Introduced: 12/22/2016
Last Amend: 7/3/2018
Status: 7/3/2018-Read second time and amended. Re-referred to Com. on APPR.
Location: 6/27/2018-A. APPR.

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House							

Summary: Would require certain fossil-fueled electrical generating facilities subject to dispatch by a California balancing authority, on a quarterly basis, to provide to the State Air Resources Board all available continuous emissions monitoring data or other data that reflect the emissions of the facility, and all available data on startups, shutdowns, and cycling of fossil-fueled electrical generating facilities. The bill would require the state board to make those data available to the air districts and the public.

Notes 1: AB 64 has been significantly watered down from previous versions perhaps due to the opposition from CalChamber and WSPA. The bill now calls simply for emissions reporting from various generating facilities directly to CARB.

SB 701 *(Hueso D) Salton Sea Obligations Act of 2018.*
Current Analysis: 08/21/2017 Assembly Appropriations (text 7/3/2017)
Introduced: 2/17/2017
Last Amend: 7/3/2017
Status: 9/1/2017-September 1 hearing: Held in committee and under submission.
Location: 8/23/2017-A. APPR.

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House							

Summary: Would enact the Salton Sea Obligations Act of 2018, which, if approved by the voters, would authorize the issuance of bonds in the amount of $500,000,000 pursuant to the State General Obligation Bond Law to finance a program to comply with specified state obligations relating to the Salton Sea. This bill would provide for the submission of these provisions to the voters at the November 6, 2018, statewide general election.

Notes 1: We felt important to convey that this bond measure dealing with remediation of the Salton Sea is still under consideration.

SB 1013 *(Lara D) Fluorinated refrigerants.*
Current Analysis: 06/15/2018 Assembly Natural Resources (text 5/25/2018)
Introduced: 2/6/2018
Last Amend: 7/5/2018
Status: 7/5/2018-From committee with author's amendments. Read second time and amended. Re-referred to Com. on APPR.
Location: 6/25/2018-A. APPR.

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House							

Summary: Current law prohibits the manufacture and sale of specified chlorofluorocarbons (CFCs) as aerosol propellants, limits the percentage of new motor vehicles equipped with air-conditioners that utilize CFC-based products, requires the State Air Resources Board to adopt regulations to provide for the enforcement of those provisions, and imposes a civil penalty on persons violating those provisions. This bill would apply all prohibitions on the use of class I substances, as defined, class II substances, as defined, and substitutes, as defined, under the federal Clean Air Act, as it read on specified dates, except as specified.

Notes 1: This bill creates the Fluorinated Gases Emission Reduction Incentive Program intended to find new alternatives with less environmental impacts. The bill additionally enhances ARB regulatory authority over such substances.

SB 1014 *(Skinner D) California Clean Miles Standard and Incentive Program: zero-emission vehicles.*
Current Analysis: 06/22/2018 Assembly Transportation (text 6/21/2018)
Introduced: 2/6/2018
Last Amend: 7/5/2018
Status: 7/5/2018-From committee with author's amendments. Read second time and amended. Re-referred to Com. on APPR.
Location: 6/27/2018-A. APPR.

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House							

Summary: Would require, by January 1, 2020, that the State Air Resources Board establish a baseline for emissions of greenhouse gases for vehicles used on the online-enabled applications or platforms by transportation network companies on a per-passenger-mile basis. The bill would require, by January 1, 2021, that the state board establish, and the commission implement, annual targets and goals starting in 2023 for the reduction under that baseline for emissions of greenhouse gases per passenger mile driven on behalf of a transportation network company. The bill would require that the targets and goals meet specified requirements. This bill contains other related provisions.

SB 1169 *(Anderson R) Violations: penalties and fines: wildfire incidents.*
Current Analysis: 05/22/2018 Senate Appropriations (text 5/2/2018)
Introduced: 2/14/2018
Last Amend: 5/2/2018

Status: 5/25/2018-May 25 hearing: Held in committee and under submission.
Location: 5/22/2018-S. APPR. SUSPENSE FILE

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House							

Summary: The Public Utilities Act provides for the assessment of criminal fines and civil penalties for violations of the act or an order, decision, rule, direction, demand, or requirement of the commission. Current law requires that fines and penalties imposed by the Public Utilities Commission pursuant to the act be paid to the General Fund. This bill would require 10% of any penalty or fine assessed by the commission related to wildfire incidents to be deposited into the Wildfire Incident Penalty and Fine Fund, which the bill would establish in the State Treasury.

Notes 1: Has implications to SCE.

SB 1277 *(Hueso D) Salton Sea: governance.*
Introduced: 2/16/2018
Status: 3/1/2018-Referred to Com. on RLS.
Location: 2/16/2018-S. RLS.

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House							

Summary: Would state the intent of the Legislature to enact legislation that would create a governance and administrative structure to manage the day-to-day implementation of the Salton Sea Management Program.

SB 1330 *(Fuller R) Toxic air contaminants.*
Introduced: 2/16/2018
Status: 3/1/2018-Referred to Com. on RLS.
Location: 2/16/2018-S. RLS.

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House							

Summary: Current law requires the State Air Resources Board to identify toxic air contaminants that are emitted into the ambient air of the state and to establish airborne toxic control measures to reduce emissions of toxic air contaminants from nonvehicular sources.This bill would make technical, nonsubstantive changes to those provisions.

SB 1350 *(Stern D) Climate change: research, development, and demonstration: financial assistance.*
Introduced: 2/16/2018
Status: 3/8/2018-Referred to Com. on RLS.
Location: 2/16/2018-S. RLS.

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House							

Summary: Would state the intent of the Legislature to enact legislation to establish a new model for providing agile financial assistance for research, development, and demonstration of climate change mitigation technologies with transformational potential. This bill contains other existing laws.

SB 1377 *(Wilk R) Petroleum refineries: air monitoring systems.*
Introduced: 2/16/2018
Status: 3/8/2018-Referred to Com. on RLS.
Location: 2/16/2018-S. RLS.

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House							

Summary: Current law requires a refinery-related community air monitoring system, as defined, to be installed on or before January 1, 2020, as specified, and requires an air district to design, develop, install, operate, and maintain the refinery-related community air monitoring system or to contract with a third party to provide those services. Current law also requires an owner or operator of a petroleum refinery to develop, install, operate, and maintain a fence-line monitoring system, as defined, on or before January 1, 2020, as specified. This bill would make technical, nonsubstantive changes to those provisions.

SB 1463 *(Moorlach R) California Global Warming Solutions Act of 2006: scoping plan: Greenhouse Gas Reduction Fund.*

Current Analysis: 04/19/2018 Senate Environmental Quality (text 3/22/2018)
Introduced: 2/16/2018
Last Amend: 3/22/2018
Status: 4/18/2018-April 18 set for first hearing. Failed passage in committee. (Ayes 2. Noes 5.) Reconsideration granted.
Location: 4/18/2018-S. E.Q.

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House							

Summary: The California Global Warming Solutions Act of 2006 requires the State Air Resources Board to prepare and approve a scoping plan for achieving the maximum technologically feasible and cost-effective reductions in greenhouse gas emissions and to update the scoping plan at least once every 5 years. This bill would require the state board to include greenhouse gas emissions from wildlands and forest fires in the scoping plan.

SB 1478 *(Leyva D) California Global Warming Solutions Act of 2006.*
Introduced: 2/16/2018
Status: 3/8/2018-Referred to Com. on RLS.
Location: 2/16/2018-S. RLS.

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House							

Summary: The California Global Warming Solutions Act of 2006 requires the State Air Resources Board to adopt regulations to require the reporting and verification of statewide greenhouse gas emissions and to monitor and enforce compliance with the act.This bill would make a technical, nonsubstantive change to that provision.

SB 1502 *(Committee on Environmental Quality) Nonvehicular air pollution.*
Current Analysis: 06/08/2018 Assembly Natural Resources (text 4/23/2018)
Introduced: 3/8/2018
Last Amend: 4/23/2018
Status: 6/28/2018-Approved by the Governor. Chaptered by Secretary of State. Chapter 59, Statutes of 2018.
Location: 6/28/2018-S. CHAPTERED

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House							

Summary: Currentlaw generally designates the State Air Resources Board as the state agency with the primary responsibility for the control of vehicular air pollution, and air pollution control and air quality management districts with the primary responsibility for the control of air pollution from all sources other than vehicular sources. This bill would authorize air districts to send electronically instead of by mail any required public notice. The bill would require air districts to send a public notice by mail to any person who has requested the notices to be sent by mail.

Notes 1: Apparently, as Chaptered, allows for greater flexibility in public notice procedures for State Air Districts.

Total Measures: 36

Total Tracking Forms: 36

Articles of interest:

California vs. Trump 'will be a giant case' over air rules, could end up in Supreme Court

BY STUART LEAVENWORTH

sleavenworth@mcclatchydc.com

July 24, 2018 02:07 PM
Updated July 25, 2018 09:56 AM

WASHINGTON

California and like-minded states are girding for a legal battle with the Trump administration on whether those states have gone too far in controlling greenhouse gases from automobiles, a prospective case that legal scholars say — barring a last-minute settlement — is sure to reach the U.S. Supreme Court.

The Environmental Protection Agency and other federal agencies are expected to announce, as soon as this week, a rollback of national fuel economy standards for vehicles. They could also revoke California's ability to set its own, tougher, air pollution limits.

If the Trump administration challenges California's longstanding latitude to set its own emissions rules, it would be wading into untested legal waters, said Deborah Sivas, a law professor and expert on the Clean Air Act at Stanford University.

"It will be a giant case," Sivas said, adding that multiple states will join California in suing the federal government.

"There's no question it will be litigated at every turn, and no doubt it's going to make it to the Supreme Court," with a new mix of judges, possibly including President Donald Trump's latest nominee, Brett Kavanaugh, she added.

The upcoming announcement stands to be the first major decision involving Andrew Wheeler, a former coal industry lobbyist and EPA veteran who became the acting EPA chief this month, following the resignation of Scott Pruitt. Citing unnamed sources on Monday, Bloomberg News reported that Wheeler and the While House will seek to revoke California's regulatory authority over greenhouse gases while also rolling back Obama-era national rules on vehicle fuel efficiency.

On Tuesday, at least one connected lobbyist said the Trump administration may stop short of fully revoking California's authority to set emissions standards and defer a decision until later.

Jeff Holmstead, a Washington-based lawyer and assistant EPA administrator during the George W. Bush administration, said he has heard the While House will seek public comment on a range of proposals, floating the idea of revoking California's authority but not formally proposing it.

"They'll give themselves the option of then revoking the California waiver in the future," said Holmstead, a partner with the Bracewell law firm in D.C.

A White House spokeswoman did not immediately respond for comment.

California and other states have big stakes in Trump's decision and subsequent litigation, as do U.S. and foreign automakers. California and the 12 states that have adopted its rule account for about half of the U.S. automobile market. That gives them clout in influencing how the automakers design and market their vehicles, including low-and-zero emission models, such as electric cars.

In 2009, California received a waiver from the EPA, allowing it to set its own limits on greenhouse gases from vehicles, effectively mandating that vehicles sold in California burn less fossil fuel. After the Obama administration bailed out much of the U.S. auto industry

immediately after the 2008 recession, it pressured automakers to agree to a 2011 plan to increase fuel efficiency by 2025, to an average of 54.5 miles per gallon.

When Trump came to office, the auto industry lobbied for a rollback in those fuel economy standards. The EPA and National Highway Traffic Safety Administration are expected to announce that rollback as soon as this week, arguing that it will improve public safety by allowing more large vehicles to be sold.

But if California and the 12 other states and the District of Columbia retain their own emission rules, car makers would have to either market two different sets of cars or sell California-compliant cars nationwide. The automakers say the California Air Resources Board rules for vehicle model years 2022-2025 are onerous and impractical, despite a CARB analysis in 2017 concluding that the standards are technologically feasible.

California lawmakers grapple with how to prevent deadly wildfires and who should pay victims

By JOHN MYERS
| SACRAMENTO BUREAU CHIEF |
JUL 25, 2018 | 5:10 PM

Phil Nelsen walks through the rubble of his grandfather's home that was destroyed in the Atlas fire in Napa on Oct. 13. (Genaro Molina / Los Angeles Times)

California lawmakers weighed a series of difficult options on Wednesday to revamp laws designed to lessen the likelihood of catastrophic wildfires, and considered the thorny question of who should foot the bill for blazes sparked by equipment belonging to the state's investor-owned utility companies.

The hearing in Sacramento came as fire officials reported eight major summertime blazes burning their way through large swaths of the state. No actions were taken by the committee that was convened last month by leaders of the Senate and Assembly. The informational hearing was a prelude to what's expected to be an intense political battle over wildfire prevention and liability when legislators return to Sacramento next month.

"If the Legislature fails to act, avoidable fires will continue to happen," said state Sen. Bill Dodd (D-Napa), co-chairman of the special legislative committee formed to lead the discussion.

Half a dozen experts, including scientists and regulators, presented a broad overview of the difficult path ahead. That includes answering questions about what to do when Californians move into high-danger fire zones, the less-stringent standards allowed on older structures and how to balance the costs of major fires between utility shareholders, insurance companies and homeowners.

It's unlikely that lawmakers will be able to rely on a single piece of legislation, Senate Bill 901, as the vehicle for a comprehensive plan. And the calendar — with the two-year legislative session nearing its end — does not offer much time for the public to vet any new proposals.

"We have four weeks to work on a major legislative package," Sen. Ben Hueso (D-San Diego) said.

Michael Wara, a climate and energy researcher at the Stanford Woods Institute for the Environment, told lawmakers they should instead think of the problem in two steps: addressing the fires and costs that have already occurred, and creating a structure to mitigate future risks.

"All sides of the problem are not being worked effectively," he said. "Wildfires affect everyone in California ... either as an electricity customer or as a taxpayer."

The financial impact of fires could prove to be the most combustible part of the discussion in the state Capitol. Last month, state fire investigators concluded that equipment owned and operated by Pacific Gas & Electric Co. was responsible for a dozen deadly blazes last October in Northern California. PG&E has said it expects to pay at least $2.5 billion in damages.

That has led some utility executives to ask the Legislature to replace the state legal standard governing liability. Known as "inverse condemnation," it requires companies to foot the bill for property damage caused by their equipment — even in cases in which safety rules were followed and without a determination of negligence on the company's part.

"As we have stated previously, we believe comprehensive public policy reforms are urgently needed to address the challenges brought about by more frequent and more intense wildfires," PG&E spokeswoman Lynsey Paulo said in a written statement.

Gov. Jerry Brown weighed in on Tuesday, unveiling a draft proposal that largely aligns with the utilities and would give judges new discretion in setting financial penalties. Courts would have to "balance the public benefit of the electrical infrastructure with the harm caused to private property and determine whether the utility acted reasonably."

In a letter to lawmakers, Brown said that California's rapidly increasing vulnerability to major fires could leave "our energy sector in a state of weakness at a time when it should be making even greater investments in safety."

But the midweek legislative hearing, which lasted more than four hours, made clear that there's no consensus on whether to change wildfire liability rules for the utilities.
"Our current laws level the playing field, bringing multimillion-dollar companies to the table with victims to settle for damage," Mendocino County Supervisor Carre Brown said.
Others took direct aim at PG&E in their comments to the committee about changes to liability laws — and fears that ratepayers will ultimately be asked to shoulder the costs.
"Customers pay PG&E every month to take care of these problems," said Mindy Spatt, a spokeswoman for The Utility Reform Network, or TURN. "Every time PG&E raises rates, they tell us, 'Well, this is so we can keep you safe, and this is so we can keep service reliable.' "
A separate bill that would allow PG&E to use state-secured bonds to pay its 2017 wildfire costs was not considered by the special committee on Wednesday, but was referenced several times at the hearing. Under the proposal, the bonds would be paid back over time, lessening the immediate impact to the company's bottom line in the short term.

The governor's proposal only applies to wildfire liabilities beginning in 2018. It includes higher fines for utilities and additional state oversight of new, enhanced wildfire-prevention plans.

Michael Picker, president of the California Public Utilities Commission, told lawmakers that fire safety regulations his agency adopted last year will help, but won't be cheap to enforce.
"We probably could have gone further, but our ratepayer advocates reminded us that there's a cost to safety," he said.

Picker faced a series of intense questions about whether the CPUC does enough to ensure that utility equipment complies with wildfire-prevention rules. He said that the size of the system — some 4 million utility poles statewide — means the commission must rely on audits more than inspections.

Assemblywoman Eloise Gomez Reyes (D-Grand Terrace) suggested that wasn't enough.
"Even in your audits, you're finding that the compliance is not there," she said.
Others on the bipartisan panel took aim at rules that limit thinning dense forests filled with dead or dying trees affected by a warmer climate.

“It’s with a heavy heart to know that we’ve lost about 50 lives in California and we’re not addressing the problem,” Assembly GOP Leader Brian Dahle (R-Bieber) said with emotion in his voice. “It’s growing out there every single day. And it will burn, unless we manage that fuel.”

Lawmakers were also reminded that the amount of land in the state endangered by fire has rapidly expanded. The newest fire map of California shows a heightened threat for some 70,000 acres — almost 44% of the state’s land mass, Picker told the committee.
Wara warned the committee that wildfires present a complicated challenge, one that’s as much economic as it is environmental. He hinted that lawmakers might make things worse, not better, by trying to quickly craft a broad and far-reaching policy plan.

“Beware the unintended consequences of complex changes hastily made,” Wara said. “Solving a problem in the electric utility system by creating one somewhere else may not serve anyone’s interest.”

PPIC Statewide Survey: Californians and the Environment

MARK BALDASSARE, DEAN BONNER, ALYSSA DYKMAN, LUNNA LOPES | JULY 2018

Summary

Key findings from the current survey:

- A majority of likely voters (56%) say the candidates’ environmental positions are very important in determining their vote in the governor’s race (67% of Democrats, 54% of independents, and 33% of Republicans hold this view).
- Likely voters see drought and water supply as the top environmental issue facing the state, followed by air pollution; a majority (58%) support a water bond on the November ballot.
- A strong majority of likely voters (69%) say that the effects of global warming have already begun.

The PPIC Statewide Survey delivers objective, advocacy-free information on the perceptions, opinions, and public policy preferences of California residents. PPIC invites input, comments, and suggestions from policy and public opinion experts and from its own advisory committee, but survey methods, questions, and content are determined solely by the PPIC survey team. The PPIC Statewide Survey relies on a rigorous survey methodology and is a charter member of the American Association for Public Opinion Research Transparency Initiative. The survey is conducted regularly throughout the year in the key areas of government, the environment, K–12 education, and higher education.

Poll Finds Strong Support for Environment, But Costs Raise Concerns

By Joel Fox
Editor and Co-Publisher of Fox and Hounds Daily
Thursday, July 26th, 2018

In the legislative debates over renewable energy, cap-and-trade requirements and environmental constraints, the specter of economic woes are offered up as reasons to fully embrace such efforts but a new Public Policy Institute of California poll shows the public is not buying it. If the poll is taken at face value then environment is king in California. However, the cost factor undercuts some of the support for climate change proposals.

For example, when likely voters were asked by PPIC if California's efforts to reduce global warming would create or reduce jobs, a resounding 51% said more jobs would come, 19% answered fewer jobs. Democratic voters were major supporters of this notion by a 68% to 7% margin. Meanwhile, Republicans were not as convinced with 25% agreeing that more jobs would be created while 36% disagreed.

More information to voters on the issue could change these results. A California Business Roundtable study makes an effort to define green jobs. The Roundtable says that many green jobs are temporary and that the green sector has not yet created permanent, middle income jobs for a long-term employment. When the Roundtable surveyed the issue of climate change policy projected fuel costs, compliance costs, electricity bills and construction costs associated with the policies erodes support.

Indeed, a similar message can be found in the PPIC poll. When questioned whether they would support the state's electricity coming 100% from renewable energy by 2045 as proposed in a legislative bill, the side in favor stood at 67% to 25% opposed. Democrats overwhelming liked the idea 82% to 10% but Republicans showed moderate support with 40% in favor and 53% opposed. It should be noted when all adults were asked the question, Republicans actually supported the idea of 100% renewable energy 47% to 46%.

When likely voters were questioned on whether they would be willing to pay more for electricity if it were generated by renewable sources to help reduce global warming the gap of support closed dramatically. 51% said they were willing to pay more and 45% opposed the idea. The numbers for All Adult all adult Republicans radically changed, too. From 47% to 46% support for renewable energy, all adult Republicans rejected the idea of paying more for electricity to achieve that goal with 21% willing to pay the cost, 76% not willing.

The question of climate change, efforts to curb it and effects on the economy were also part of the survey.

Asked if global warming was a threat to the economy, a combined 78% said it was a very serious or somewhat serious threat while 21% said global warming was not too serious a threat or not serious at all.

The respondents also considered California's beaches and ocean, a big part of the tourist, fishing and trade economy. A whopping 96% agreed that the condition of the beaches and ocean were very or somewhat important to the state's economy and quality of life.

Another economic issue was considered: drilling for oil off the coast. In environmentally minded California the notion did not gain great support. 28% favored the idea, 67% were opposed. The partisan differences were stark. Democrats were11% in favor, 85% opposed. Republicans favored drilling 59% to 33%.
The survey asked many questions on the environment and contained some political questions as well. News reports will cover the large leads enjoyed by Gavin Newsom in the governor's race and Dianne Feinstein in the U.S. Senate contest. But there were also a few interesting or odd items:

Newsom is doing better with conservatives (22%) than Cox is doing with liberals (6%).

Newsom is doing better in Los Angeles (68%) than his home city of San Francisco where he served as mayor (61%). Despite trailing Newsom by 24% with likely voters, Cox trails Newsom by only 10% with homeowners who tend to vote in higher percentages than renters, who strongly support Newsom 64% to 18%.

Feinstein is outpacing de León with Latino voters 52% to 27%.

You can find the entire survey here.

California Needs a New Energy Policy

By Todd Royal
Todd Royal is an independent public policy consultant focusing on the geopolitical implications of energy based in Los Angeles, California.
Tuesday, July 17th, 2018

A famous quote from Virgil's *Aenid* 5.231, says, "They can, because they think they can," comes to mind over the recent headline by the San Francisco Chronicle, "California slashes emissions, hits major greenhouse gas goals years early." The California Air Resources Board (CARB) on June 11th released data showing California's greenhouse gas emissions, "dropped 2.7 percent in 2016 (the latest year available) to 429.4 million metric tons." But these lowered emissions numbers don't tell the full story and have been disputed by the California Center for Jobs and the Economy in a report titled, "California's Progress on Greenhouse Gas Reductions: A Review of the Numbers," for including such factors as favorable weather and job destruction to demonstrate emission reduction.

In 2007 Governor Schwarzenegger signed AB 32, The California Global Warming Solutions Act of 2006, "which mandated the state cut greenhouse gas emissions back to 1990 levels by 2020." Governor Brown went further with the environmental mandate by signing, SB 32 and AB 197, "requiring California to cut emissions 40% below 1990 levels by 2030." And if California continues believing, "Climate Change Matters More than Anything Else," the problems could become catastrophic for California families and the poor that reduced emission numbers don't take into account.
A new report from the Center for Demographics and Policy at Chapman University that came out before the CARB numbers shows that despite increased costs and efforts by California we are cutting emissions at a lower pace. From 2007-2015, California cut greenhouse gas emissions (GHG) by 9% but the remainder of the United States (US) cut them by 10% or more in some cases without costly environmental laws and regulations. This means, "that on a per capita basis 41 states outperformed California on CO2 cuts." Chapman's Joel Kotkin expounded on this theme in a recent article for *City Journal* by stating:

"California is unlikely to achieve even its modest 2020 goals. California has accounted for barely 5% of the US' GHG reductions. Ohio, Georgia, Pennsylvania and Indiana are about 5 times greater than California's. Even Texas has been reducing its per-capita emissions more rapidly."

Reliable, affordable energy isn't what California is currently producing and is a leading factor why Governor Brown and the Legislature's energy policy is undermining our blue collar sector in Los Angeles County and the Inland Empire. Millennials, Latinos and African American's ability to purchase single-family homes are in serious peril over failed energy policies that produced higher home prices. This could be why a recent poll found 46% of residents in the Bay area are looking to leave California. Kerry Jackson of the Center for California Reform at the Pacific Research Institute also found between 2007-2016, 6 million people left the state, versus only 5 million moving in. Therefore, is it important emissions are lowered if most residents are unable to afford homes and need to leave the state?

Governor Brown is widely known for being an environmental leader, but his policies have not made an impact on worldwide climate change since California accounts for less than 1% of global GHG emissions. Considering the Paris Climate Agreement – California's policies will have no discernable affect on GHG – and the Chapman study reported, "If California ceased to exist in 2030, global GHG emissions would still be at 99.54 percent of the Paris Agreement total." The CARB report doesn't address these issues.
Moreover, California's economy is slowing, and our green policies seem to make energy affordability tougher for people to move forward economically. The more California attempts to alleviate GHG the worse they become. Undiscernibly, CARB, the Governor's Office and Legislature don't advocate for biomass use, nuclear energy that cuts emissions affordably, and hydroelectric doesn't count towards renewable energy percentages. These are all forms of energy that cut emissions, but doesn't lead to job destruction.

The CARB report also never takes into account that California imports about 1/3 of our electricity from other states. Our large energy-intensive tech firms: Apple, Google, Facebook outsource their GHG emissions to China and other less environmentally friendly US states to signal their lower carbon output, which also isn't factored into CARB's data. In reality California has exported pollution to other regions of the world and the US. The Chapman study also showed that in 2015 our international imports (energy was one of the largest) accounted for roughly 35% of the state's total emissions. This origin of material and energy imports is also never figured into emission calculations.

These energy policies are also making income inequality continue rising by limiting single family homes being built over the belief that limiting home construction will lower global warming. Joel Kotkin again writes:
"The state's determination to undo the primarily suburban, single-family development model in order to "save the planet" has succeeded both in raising prices well beyond national norms and creating a shortfall of some 3 million homes."

California also has some of the highest electricity prices in the nation and climate change regulations like solar panels having to be installed on all new home construction are making cities like Los Angeles now have some of the highest poverty rates in the US. The tragedy about renewable energy is that it leads to increased emissions since it is an intermittent energy source that has to be backed up by dirty fossil fuels like coal.

Leading environmentalist Michael Shellenberger has also expressed doubts about California's renewable energy polices and if this leads to lowered emissions in four recent articles: "If Solar And Wind Are So Cheap, Why Are They Making Electricity So Expensive?," "Solar And Wind Lock-In Fossil Fuels, And That Makes Saving The Climate Harder And More Expensive," "If Solar Panels Are So Clean, Why Do They Produce So Much Toxic Waste?, and "If Renewables Are So Great for the Environment, Why Do They Keep Destroying It?" Shellenberger has even gone so far as to opine California's environmental polices are poverty inducing and racist in nature. The emission number may be lower, but the cost is steep and is destroying California society. However the answer to California's GHG, inequality, and lack of middle class job growth (because of higher energy costs) is natural gas.

No form of energy at this time is cleaner, as scalable, or in such abundance as natural gas. A company outside of Houston – NET Power – has claimed it can burn natural gas for energy consumption while capturing 100% of carbon emissions. Even if that isn't the case the United States is the only industrialized country in the world that met the Kyoto Protocol obligations by using more natural gas than coal according to Russell Gold's book, *The Boom: How Fracking Ignited the American Energy Revolution and Changed the World*. What natural gas also provides is a way for renewable energy (mainly solar and wind) – which at this time doesn't work on a scalable, or economically feasible way – to improve battery technology and overcome the intermittent weather issues that keep renewables from being an effective energy source. Natural gas is the best answer at this time to lead California's new energy policy.
Unless rational dialogue is brought to California's energy problems then increased racial and inequality divides will become worse. Poverty and overregulation seem to go hand-in-hand during this debate instead of looking at the facts of what works (natural gas, nuclear for lower emissions). A just California shouldn't mainly tout lower emission numbers, but the policy conversation should begin with stable, low-cost energy as the first building block towards a sustainable society. When 200 civil rights leaders sue CARB, "on the basis that state policies are skewed against the poor and minorities," it is time for California's elected officials to sit down and have a serious discussion about energy policies in California that may produce lower emissions but doesn't bring prosperity to all Californians.

California ballot will include gas tax repeal in November

By PATRICK MCGREEVY
JUN 25, 2018 | 8:45 PM
| SACRAMENTO

Construction crews conduct repairs in San Francisco last year. California voters will get a chance on the November ballot to decide whether to repeal recent increases to the state gas tax and vehicle fees to pay for road repair and mass transit projects.

Californians will vote in November on a ballot proposition that would repeal a new gas tax and vehicle fees, saddling Gov. Jerry Brown with a final challenge to preserve a key part of his legacy before leaving office.

With polls showing most California voters want to kill the new tax, the initiative poses a real threat that the funding plan pushed by Brown and Democratic legislative leaders to fix the state's roads and bridges won't survive the Nov. 6 election. The measure earned a spot on the statewide ballot Monday, garnering more than the 585,407 signatures of registered voters required, according to a random sample count announced by state officials.

Brown on Monday blasted the initiative and gave a preview of his campaign strategy.

"This flawed and dangerous measure pushed by Trump's Washington allies jeopardizes the safety of millions of Californians by stopping local communities from fixing their crumbling roads and bridges. Just say no," Brown said in a statement.

Brown is up against a campaign financed by national Republican leaders including House Speaker Paul D. Ryan, House Majority Leader Kevin McCarthy of Bakersfield, the California Republican Party and GOP gubernatorial candidate John Cox. Together they spent $1.7 million to put the initiative on the ballot, and are expected to spend millions more to make sure voters repeal the tax and fees, a campaign they hope will turn out a conservative tide for congressional races.

Cox welcomed the news.

"This is a message to the millions of forgotten Californians ignored by the Sacramento political elite, help is on the way," Cox said in a written statement. "Let this also be a message to every special interest in Sacramento, we're coming for you. You can outspend the people, but you can't outvote the people, because there are more of us than there are of you."

Lt. Gov. Gavin Newsom, a Democrat who is favored over Cox in the race for governor, opposes repeal of the gas tax, saying the money is needed to handle a backlog of road and bridge repairs.

Senate Bill 1, which Brown signed last year, will raise more than $5 billion annually from a higher fuel tax and a new vehicle registration fee for road repairs and improvement to mass transit systems across the state. Brown, who leaves office in January, recently conceded that "nobody likes the tax, but it's doing stuff," saying it is necessary to keep the state's road system from falling apart.

“What he is fighting for is his legacy, and so I think he would have every reason in the world to put a lot of emphasis on keeping the gas tax in place,” said Darry Sragow, a longtime Democratic strategist and publisher of California Target Book, which tracks political contests in the state.

The governor, who last reported $14.8 million in his campaign account available to fight repeal, has already begun offering his defense of the higher tax at press conferences throughout the state where he has announced the start of projects that they have made possible.

In late May, he visited Torrance to highlight construction of a transit terminal. Brown called the repeal effort “crazy” and said the rejection of the tax would mean trouble for California.

“If you say no, what? We are just going to go back to congestion, call a halt to this project, stop the projects for the Olympics?” Brown said. “That is really dumb and I don’t believe Californians are going to do that. That’s why we want to vote ‘no’ on any attempt to repeal and throw back this tax.”
The ballot measure that qualified would not only repeal last year’s new levies, it also would amend the California Constitution to require voter approval for future gas tax increases.

Brown argues that a large backlog of road and bridge repairs require additional money. SB 1 raised the state gas tax by 12 cents per gallon and boosted the diesel fuel tax by 20 cents per gallon. The measure also created a new, annual vehicle fee ranging from $25 for cars valued at less than $5,000, to $175 for cars worth $60,000 or more.

Los Angeles Mayor Eric Garcetti appeared with Brown in Torrance, and he and leaders of other cities are expected to play prominently in the anti-repeal campaign, telling voters that potholed roads and crumbling bridges in their communities need the influx of dollars provided by the new tax and fees. A portion of the billions raised by the fees will go toward expansion of the Los Angeles County Metropolitan Transportation Authority’s bus and rail systems.

“If you want to pay for more popped tires, realigned axels, you want to see our roads continue to deteriorate, go ahead and repeal SB 1,” Garcetti said. “But we all know like with our houses, if we don’t fix the leak we are going to be paying a lot more in the future.”

Opponents of the gas tax complained this week that the state and local governments have been abusing taxpayer funds by putting up signs along roads throughout the state touting the construction made possible by SB1, but state officials say such signs have been a common sight for decades.
City transit officials plan to demonstrate to voters that the money is being well spent on real road projects.

“I think in part our responsibility to the taxpayers is to shine a bright spotlight on the improvements that these dollars are making in communities every day already,” said Carolyn Coleman, executive director of the League of California Cities.

Repeal, she said, “would mean the loss of important and scarce resources to make the long overdue improvements in our streets and roads and bridges and easing traffic congestion.”
But the pro-repeal forces are likely to begin the campaign with favorable odds. Scrapping the higher tax and fees was supported by 51% of registered voters in the state, according to a USC Dornsife/Los Angeles Times statewide poll last month.

With billions of dollars at stake, both sides are planning big-budget campaigns. The gas tax is supported by the Coalition to Protect Local Transportation Improvements, which reported $5.1 million in campaign donations as of May 19.

Some of that went to support Proposition 69, which was approved by voters on the June 5 ballot, and requires gas-tax money to go to transportation projects.

Much of the money raised so far by the main campaign for the initiative has gone to signature gathering, with big contributions from the California Republican Party and GOP leaders.

Republicans see the gas tax as a defining issue for congressional and state legislative candidates in the November election, with hopes it will also draw more conservative voters to the polls.

“The Republicans want this as a way to get out the vote,” said Tony Quinn, a former Republican political consultant.

Sragow said Republicans will work to make the debate over repeal a fight with Brown, but he said backers of the tax need to build on a broad coalition of labor and business to show the benefits of the money to the lives of working Californians.

It is notable that Republicans and big business are on opposite sides of the measure even though they traditionally are allies on tax issues, Sragow said. That, coupled with the money business can raise, could help save the gas tax, he said.

A second group supporting repeal, Reform California, reported $1 million in its treasury as it launches a campaign. The group said it has momentum after voters recalled state Sen. Josh Newman from office on June 5 over his vote to raise the gas tax, said Carl DeMaio, chairman of Reform California.

“We are wasting no time in launching our efforts for the repeal phase of the campaign to ensure we are victorious in November,” said DeMaio, a conservative radio talk show host and former San Diego City Council member.

The group opposing repeal, Fix Our Roads, has a multi-faceted message, arguing that doing away with the increased gas tax and fees would jeopardize public safety by preventing the state from fixing roads in “poor” condition, and more than 1,600 bridges and overpasses that are structurally deficient and unsafe. The campaign will warn that repeal would stop or threaten more than 5,000 transportation improvement projects already underway. Opponents of repeal also say it would make traffic congestion worse and cost motorists more in the long run by requiring car repairs from damage suffered on bad roads.

Sragow, who has known Brown for years, said he thinks the governor will come out swinging.
“He doesn’t shy away from a fight,” Sragow said. “Nobody can scare Jerry Brown. The fact that a bunch of Republicans from other parts of this country are looking at this place as a battleground for things that have nothing to do with California will incense Jerry Brown.”

A political firestorm is about to hit the Capitol: Who will pay for wildfire damages?

By Laurel Rosenhall | July 12, 2018 |

Asked this spring to identify the most important issue facing California lawmakers, the leader of the state Senate didn’t hesitate: wildfires.

Two months later—with fires blazing from the Oregon border to San Diego—legislators are poised to wade into a political firestorm sparked by last year’s historic fires and mudslides, which destroyed about 10,000 buildings and killed at least 66 people.

The biggest fight will be over liability—who pays for billions of dollars of damages from the loss of so many homes, businesses and lives? Expect another battle over how much utilities like Pacific Gas & Electric can pass liability costs onto their customers—and whether the state should step in to help. The backdrop for the drama: The scientific expectation that hotter, drier conditions brought on by climate change make it likely that California will suffer more large, intense fires.

All of this will play out in the Capitol in a special committee formed to create new laws aimed at preventing wildfires and improving the response to them. The committee has just a few weeks to

figure it out because lawmakers are on summer recess for the rest of July and the legislative session ends on Aug. 31.

Interest groups with huge clout are gearing up. On one side are power companies that supply electricity to Californians and campaign cash to politicians. Their allies include an influential union representing electrical workers, and some environmentalists who see utilities as key players in California's fight against climate change. On the other side stand different moneyed interests and political juice: insurance companies, plaintiffs' lawyers and a coalition of fire victims that includes local governments and well-to-do homeowners.

"Even if it wasn't contentious, it's just complicated," said Sen. Bill Dodd, a Napa Democrat who represents thousands of victims of last year's Wine Country fires and is a co-chair of the new committee. "There are so many potential winners and losers depending on what decisions are made."

Gov. Jerry Brown and legislative leaders have vowed they won't retroactively change liability laws for the 2017 fires, which caused damages that will likely top $10 billion. But lawmakers will discuss changing liability laws to limit the financial burden on utilities in the future, when the next wildfires ignite.

The key issue is a legal doctrine called "inverse condemnation," a fancy way of saying "with great power comes great responsibility." Courts have ruled that the state Constitution gives utilities eminent domain rights—the *power*to take private land for public use.
Subsequent rulings determined that utilities bear the associated *responsibility* in the form of strict liability. Under inverse condemnation, utilities are liable for any wildfire damage traced to their equipment—even if they were not negligent in maintaining it.

PG&E and other utilities are pushing to change inverse condemnation, arguing that it—combined with regulators' decision barring San Diego Gas & Electric from passing liability costs on to customers following a 2007 wildfire—could cripple them.

"Without reform, the application of inverse condemnation directly threatens our shared energy future and the financial viability of California's utilities that could unjustly face billions of dollars in liability without any ability to spread these costs across customers—irrespective of whether they are at fault for these wildfires," said a statement from PG&E spokesman James Noonan.

Cal Fire investigations allege that PG&E's equipment was involved in 16 of last year's fires, and that in 11 of those the company violated state codes that require keeping trees and shrubs away from power lines. The company says it met the state's standards. Investigators have not yet determined the cause of the Tubbs Fire, the deadliest of last year's blazes.

The utilities argue that climate change contributes to wildfires, and that liability rules should reflect a "new normal" that involves greater risk.

"If we are operating the system and we've done everything we can and yet the environment around us causes a problem that leads to a large disastrous fire, the (legal) structure needs to be modernized to reflect today's new challenges," said Eugene Mitchell, vice president of San Diego Gas & Electric, which is widely praised for making its power system safer after the 2007 fire by replacing wood poles with steel and creating a high-tech weather center that tracks conditions before fires erupt.

Insurance companies and fire victims want to keep the inverse condemnation law—seeing the enormous liability it creates as an incentive for utilities to do everything possible to make the electrical system safe.

"You have to maintain some type of liability so that you continue to have responsible parties," said Mark Sektnan, vice president of the Property Casualty Insurers Association of America.

Currently insurers pay their policy-holders after a disaster, then turn to utilities for reimbursement. Without that, insurers would likely charge homeowners more.

Other issues lawmakers will likely debate include how to strengthen the electrical system to prevent future fires and how much utilities can spread liability costs onto customers. A new bill proposed by Democratic Assemblyman Bill Quirk of Hayward would allow PG&E to access state-authorized bonds to pay off damages from last year's fires. PG&E customers would pay off the debt, though at a lower rate than if PG&E had to borrow from another source, the bill says.
"One way or another, ratepayers are going to be part of the solution and it's just a matter of what's the venue: bankruptcy court or the state Legislature?" said Scott Wetch, a lobbyist for the electrical workers union.

Though raising rates for customers is politically unpopular, Wetch says it's no different than how other businesses handle disaster—whether it's an unexpected freeze that causes vegetable prices to rise, or an explosion at an oil refinery that triggers a jump in prices at the pump.

Issuing bonds to PG&E would amount to a bailout, said Patrick McCallum, a lobbyist whose Santa Rosa home burned down in October. He has since become a leading voice advocating in the Capitol on behalf of fire victims. But he said his group would not oppose the legislation if lawmakers prioritize a new fire prevention strategy and maintain inverse condemnation.

Doubts about whether California will change the liability law caused Standard & Poors to downgrade its rating outlook for two of the state's utilities this week: "Time is of the essence because the 2018 legislative session ends in just under eight weeks and wildfires continue to rapidly and actively spread throughout California," said the July 9 report by S&P Global Ratings.

Lower credit ratings make it more expensive for utilities to borrow money that allows them to build clean-energy projects such as charging stations for electric cars and battery storage for solar power—items lawmakers and Brown have prioritized in California's fight against global warming.

"The utilities have financed a big part of the climate change agenda we've accomplished," said environmental lobbyist V. John White. "We can't have paralysis on building the infrastructure we need to meet our greenhouse gas reduction targets."

It adds up to a monumental heap of fallout from recent wildfires. And it explains why Senate leader Toni Atkins, a San Diego Democrat, was so quick to say in May that the mop-up is the biggest issue facing the Legislature:

"This new coined phrase, 'new normal,' is really something we're going to have to grapple with in terms of climate change and what it means for us, and the cost to California."

Correction: This story has been updated to remove a reference to Patrick McCallum suing PG&E. He is considering filing a lawsuit but has not yet done so.

The Capitol weighs another big, dicey power play

By Dan Walters | June 18, 2018 | Commentary

There aren't too many folks in and around the state Capitol who were there 22 years ago, when the building's denizens committed one of California history's most horrendous errors.
The Legislature unanimously passed—and then-Gov. Pete Wilson signed—a misnamed, misbegotten "deregulation" of the state's electric power system.
Utility executives, political leaders and even consumer groups all promoted the plan, promising that it would be a win-win for everyone.

But some of it was pure political hokum—such as giving power customers a much-ballyhooed rate cut that actually was financed with a bond issue those same consumers would repay, with interest, through their bills.

Most importantly, it turned out to be a monumental failure.
It opened the door to market manipulation by Enron and some other big energy players, drove one major utility (Pacific Gas and Electric) into bankruptcy, almost sent another (Southern California Edison) into insolvency, caused blackouts and wound up costing California consumers many billions of dollars.

This brief excursion into not-so-distant history is important because the current crop of Capitol politicians, including Gov. Jerry Brown, is pushing another big reconfiguration of California's electric power system.

Newly drafted legislation would integrate California's grid with those of other Western states and perhaps cede operational authority from a politically accountable agency, the California Independent System Operator (CAISO) to a new regional agency dominated by the power industry.
CAISO was created after the deregulation debacle to provide more accountability, but it's the only regional operator organized that way. All others in the country are industry-dominated, as federal law prefers.

Assembly Bill 813, which passed the Assembly more than a year ago, has been stripped of its previous content behind closed doors and now contains the new scheme.
The plan seems to have broad support from both the traditional power suppliers and so-called "green-power" generators.
Backers have formed two front groups to push for its passage, arguing that integration would give California an outlet for its excess solar and wind power.

"Evolving California's grid operator from a single state to a western region will lower rates, create jobs, and will allow for a cleaner grid by increasing the amount of wind and solar we can responsibly manage," Sarah Webster, vice president of San Francisco-based Pattern Energy, said in a statement on behalf of one group.

It's also touted as making it easier for California to wean itself from carbon-based power, because the state could draw on juice from other states to back up relatively unreliable green sources. That, apparently, is why Brown, a fervent advocate for reducing greenhouse gases, is a strong backer.
So what's wrong with all of that?

Critics, including some environmental groups, contend that power coming into California from other states could be generated, directly or indirectly, in ways that California itself is shunning, such as big dams, nuclear and even coal.

California, they say, could be compelled to use that power if CAISO, whose board members are appointed by the governor, is made subservient to a regional agency dominated by big utilities and generators.

Billionaire Warren Buffet, whose Berkshire Hathaway conglomerate owns Pacificorp, a huge power supplier in the Pacific Northwest, would be a major player.

Californians were sold a bill of shoddy goods 22 years ago and are still paying the price in higher electricity bills.

This is a very complex issue that isn't sexy clickbait for the media, but they should be paying more attention. And politicians had better think very carefully before they vote for another power play just because it looks good on paper.

Budget trailer bills have become Christmas trees

By Dan Walters | June 20, 2018 | Commentary

As detailed in this space a few days ago, the Legislature is using a budget "trailer bill" to deprive voters of vital information about local government and school bond issues.

The legislation, drafted without public hearings or other input, would suspend for two years a new law, which took effect on January 1, requiring proposed bond measures to reveal to voters how they would affect property tax bills.

The local officials who sought the suspension apparently believe that revealing the tax consequences to voters would make them less likely to vote for bond issues.

Sadly, however, it is not an isolated example of how the Capitol's politicians are misusing trailer bills, meant to implement the state budget, to enact far-reaching policies that have virtually nothing to do with the budget, and without any of the traditional safeguards, such as waiting periods and public hearings.
Take, for example, one provision in a trailer bill devoted mostly to the state's health care services. It would make immense changes in how those believed to be mentally ill are treated in the criminal justice system, essentially making "diversions" out of the courts and into treatment much easier. It's a serious topic that deserves to be treated seriously and, in fact, legislation to reform diversions was already moving through the Legislature with input from all of the authorities and outside interest groups.

Suddenly, however, the trailer bill popped up late last week, short-circuiting the legislative process and drawing ire from the California District Attorneys Association both on its substance and its sneakiness.

"Simply put, diversion would be available for any crime," the prosecutors complained in a "budget alert," adding, "Additionally there are no limits on the number of times someone can receive diversion under this scheme, nor would anyone be excluded based on their criminal history."
A broader example of how trailer bills are being misused is the one labeled "general government and public employment."

California's public employee unions, who are joined at the hip with the Legislature's dominant Democrats, are very worried about a pending U.S. Supreme Court case that would ban them from collecting partial dues from non-members.

In anticipation of the decision, which is likely to be issued this month, union-friendly legislators have carried new laws to minimize its effects, such as requiring new employees to attend "orientation meetings" aimed at persuading them to join unions and giving unions access to employee contact information that no one else – especially anti-union groups – could have.

The newest effort would make the location of those orientation meetings a secret, expand the ability of unions to seek deduction of dues, make it somewhat more difficult for employees to opt-out of payments and expand the public agencies whose workers are subject to dues deductions.
The secret meeting provisions are drawing criticism from the California News Publishers Association (disclosure: CALmatters is a member), which zealously defends the state's open records and open meeting "sunshine" laws. The CNPA calls it "a limitation on the public's right of access with no discernible public benefit."

There are many other questionable provisions in the 26 budget trailer bills. They have become legislative Christmas trees, festooned with ornamental goodies for those with political pull that should be aired fully and publicly, not drafted in the dead of night and enacted with minimal notice.

The following page(s) contain the backup material for Agenda Item: Consider recommendation(s) of the Personnel Committee and discuss a potential Amendment to the Employment Agreement ("Master Agreement") with the Executive Director/Air Pollution Control Officer; adopt the Amendment; authorize the Chairman of the Governin

MINUTES OF THE GOVERNING BOARD
OF THE MOJAVE DESERT AIR QUALITY MANAGEMENT DISTRICT
VICTORVILLE, CALIFORNIA

AGENDA ITEM #14

DATE: August 27, 2018

RECOMMENDATION: Consider recommendation(s) of the Personnel Committee and discuss a potential Amendment to the Employment Agreement ("Master Agreement") with the Executive Director/Air Pollution Control Officer; adopt the Amendment; authorize the Chairman of the Governing Board to execute the amended agreement; and direct staff actions.

SUMMARY: This item allows the Governing Board to consider recommendations from the Personnel Committee, adopt an Amendment to the Employment Agreement ("Master Agreement") with the Executive Director/APCO, and direct actions to execute the agreement.

CONFLICT OF INTEREST: MDAQMD Governing Board Members; Mr. Brad Poiriez.

BACKGROUND: The Personnel Committee conducted an annual performance evaluation for Mr. Brad Poiriez, Executive Director/APCO, and communicated the results during the Closed Session. This item allows the Governing Board to consider recommendations from the Personnel Committee for Amendments to the Employment Agreement between the District and Mr. Poiriez.

A Second Amendment to the Employment Agreement is included indicating the Committee's recommendations. Special Counsel to the Governing Board recommended the format of an Amendment in order to preserve the intent of the current agreement, now referenced as the "Master Agreement." Other recommendations involve potential compensation issues and therefore are required to be discussed and action taken in open session.

By this action the Governing Board will approve the Second Amendment to the Employment Agreement including any additional changes adopted by the Governing Board in this action and authorize the Governing Board Chair to execute the Second Amendment.

REASON FOR RECOMMENDATION: Governing Board action is required to adopt the Amendment to the Employment Agreement with Mr. Poiriez.

REVIEW BY OTHERS: This item was reviewed by Piero Dallarda, Special Counsel to the Governing Board as to legal form on or about August 6, 2018.

FINANCIAL DATA: Subject to approved any financial adjustments to the Employment Agreement, financial information will be provided if required.

PRESENTER: James L. Cox, Board Chair

SECOND AMENDMENT TO EMPLOYMENT AGREEMENT BETWEEN THE MOJAVE DESERT AIR QUALITY MANAGEMENT DISTRICT AND THE EXECUTIVE DIRECTOR

This SECOND AMENDMENT (hereinafter referred to as "Amendment") is made and entered into as of August 27, 2018, by and between the Mojave Desert Air Quality Management District ("DISTRICT"), a Special District, referred to in this Agreement as "EMPLOYER," and Brad Poiriez, referred to in this Agreement as "EMPLOYEE," in order to amend, in writing, the terms and conditions of employment for the Executive Director of the EMPLOYER.

WHEREAS, EMPLOYER and EMPLOYEE entered into that certain Employment Agreement dated June 16, 2016 (hereinafter referred to as "Master Agreement"); and

WHEREAS, on or about August 27, 2017, EMPLOYER and EMPLOYEE entered into a First Amendment to the Master Agreement extending the term of the agreement by one year, adding provision for a lump sum award contingent upon satisfactory performance, increasing the monthly automobile allowance, and modifying the vacation accrual and deferred compensation provisions; and

WHEREAS, EMPLOYER desires to continue to retain the services of Brad Poiriez as Executive Director of the Mojave Desert Air Quality Management District who serves as the Air Pollution Control Officer, as provided by appointment of the District Governing Board pursuant to California Health & Safety Code §41260(b); and

WHEREAS, it is the desire of the Governing Board (BOARD) to continue to secure and retain the service of EMPLOYEE and to continue to provide certain benefits and establish certain working conditions for said EMPLOYEE; and

WHEREAS, EMPLOYEE desires to continue to be employed as Executive Director of said Mojave Desert Air Quality Management District;

WHEREAS, EMPLOYER and EMPLOYEE now desire to amend certain provisions of the Master Agreement relating to compensation and benefits, and extending the term of the Master Agreement.

NOW THEREFORE, EMPLOYER and EMPLOYEE agree as follows:

1. Section 2, paragraph A, of the Master Agreement is hereby amended in its entirety to read as follows:

> The term of this Agreement is four (4) years commencing from August 27, 2018. Nothing in this Agreement shall prevent, limit or otherwise interfere with the right of the BOARD to terminate the services of EMPLOYEE at any time, subject only to the provisions set forth in Section 3(A), 3(B) and 4(A) below.

2. Section 4, paragraph A, of the Master Agreement is hereby amended in its entirety to read as follows:

> In the event EMPLOYEE is terminated without cause by the majority of the full Governing Board before expiration of the term of this Agreement and during such time that EMPLOYEE is willing and able to perform his duties under this Agreement, EMPLOYER agrees to pay EMPLOYEE a lump sum cash payment equal to six (6) months or the number of months remaining in the Term of the Agreement, whichever is less; of the base salary as set forth in this Agreement. Said payment shall be subject to applicable legal deductions.

3. Section 4, paragraph D, of the Master Agreement is hereby amended in its entirety to read as follows:

> Notwithstanding any other provision herein, in accordance with Government Code Section 53260, the cash payment that Employee may receive in the event of the termination of this Agreement, as set forth in this Section, shall not exceed an amount equal to the monthly base salary of Employee multiplied by the Severance Period.

4. Section 4, paragraph I, of the Master Agreement is hereby amended as follows: The phrase "Government Code section 53243.3" is replaced with the phrase "Government Code section 53243.4."

5. Section 5 of the Master Agreement is hereby amended in its entirety to read as follows:

> EMPLOYER agrees to pay EMPLOYEE for his services rendered pursuant hereto a base salary of two hundred nine thousand three hundred fifty dollars ($209,350.00) per year less all applicable withholdings.
>
> Such salary shall be effective August 27, 2018 (pay period 19) and be paid in installments at the same time and in the same manner as other employees of the EMPLOYER are paid.
>
> If the Board gives EMPLOYEE a satisfactory annual performance evaluation, EMPLOYER will pay a lump sum award in the amount of 2.5% of the annual base salary to be paid the pay period immediately following the satisfactory annual performance evaluation (which in 2018 is pay period 19) via regular payroll check, less applicable withholdings. Additionally, if the Board gives EMPLOYEE a satisfactory annual performance evaluation,

EMPLOYER shall agree to extend the term of this Agreement by one (1) year. This extension shall be accomplished by the EMPLOYER drafting and signing an amendment to this Agreement, which EMPLOYEE must sign in order to become effective pursuant to Section 21, paragraph G.

Based upon the Performance Evaluation (as set forth in Section 6 of the Master Agreement), the EMPLOYER may also adjust the salary and/or benefits provided for herein in the even numbered years of the Agreement (e.g., 2020 and 2022), including but not limited to adjusting the EMPLOYER contributions to the EMPLOYEE's deferred compensation plan. Any such extension or adjustment that amounts to a modification of this Agreement will be agreed to in a writing signed by both parties pursuant to Section 21, paragraph G.

6. Section 9 of the Master Agreement is hereby amended in its entirety to read as follows:

EMPLOYEE shall accrue and have credited to his account the same sick leave accrual currently provided to exempt employees in Group "E" as set forth in the District's Exempt Compensation Plan, except as otherwise provided herein. EMPLOYEE shall accrue 7.69 hours per pay period of vacation leave (equal to five (5) weeks) to use each year of employment. Any vacation not taken by the EMPLOYEE will be paid out upon separation. EMPLOYEE shall be entitled to take up to one hundred and twenty (120) administrative leave hours each year, as set forth in the District's Exempt Compensation Plan, as amended.

7. Section 14, paragraph C of the Master Agreement shall be deleted in its entirety.

8. Section 14, paragraph D of the Master Agreement shall be renumbered as paragraph "C."

9. Section 21, paragraph C of the Master Agreement is hereby amended in its entirety to read as follows:

This Agreement shall become effective commencing August 27, 2018.

10. Paragraph G shall be added to Section 21 of the Master Agreement. Section 21, paragraph G shall read:

This Agreement may not be amended or modified except by a writing signed by both parties.

11. Except as modified by this Amendment, all provisions of the Master Agreement, as amended by the First Amendment to the Master Agreement, shall remain in full force and effect and shall govern the actions of the parties under this Amendment.

IN WITNESS WHEREOF, the parties have executed this Amendment as of the date first above written.

MOJAVE DESERT AIR QUALITY MANAGEMENT DISTRICT	EMPLOYEE
James L. Cox, Board Chair	Brad Poiriez

APPROVED AS TO LEGAL FORM

Piero C. Dallarda, Partner
Best, Best & Krieger
Counsel to the MDAQMD Governing Board

EMPLOYMENT AGREEMENT

THIS AGREEMENT, made and entered into on June 16, 2016, and amended on August 28, 2017, by and between the Mojave Desert Air Quality Management District ("DISTRICT"), a Special District, referred to in this Agreement as "EMPLOYER," and Brad Poiriez, referred to in this Agreement as "EMPLOYEE," both of whom understand as follows:

WHEREAS, EMPLOYER desires to retain the services of Brad Poiriez as Executive Director of the Mojave Desert Air Quality Management District who serves as the Air Pollution Control Officer, as provided by appointment of the District Governing Board pursuant to California Health & Safety Code §41260(b); and

WHEREAS, it is the desire of the Governing Board (BOARD) to secure and retain the service of EMPLOYEE and to provide certain benefits and establish certain working conditions for said EMPLOYEE; and

WHEREAS, EMPLOYEE desires to be employed as Executive Director of said Mojave Desert Air Quality Management District;

NOW THEREFORE, in consideration of mutual covenants set forth in this agreement the parties agree as follows:

Section 1. Duties

EMPLOYER agrees to employ Brad Poiriez as Executive Director of the Mojave Desert Air Quality Management District to perform the functions and duties of the Air Pollution Control Officer. Such duties shall include, but shall not be limited to: those duties specified pursuant to State law; duties contained in the Rules and Regulations of the Mojave Desert Air Quality Management District; duties as contained in this Agreement; and other legally permissible and proper duties and functions as the Governing Board may from time to time assign.

The Executive Director shall be the administrative head of the Mojave Desert Air Quality Management District, under the direction and control of the Governing Board. The Executive Director serves at the pleasure of the Governing Board. The Executive Director shall be responsible for the administration of all of the affairs of the District which are under his control, including, but not limited to, day to day supervision of and authority over District employees and contract employees (including, but not limited to power of appointment and removal of employees), administrative reorganization of departments and offices, financial reports, purchasing, execution of contracts, expending of District funds, law enforcement, investigations and complaints, and such other duties delegated by law, resolution, policy or other official action of the Governing Board.

The Executive Director shall take direction from the Governing Board, or a properly designated committee, but not from any individual member of the Governing Board.

Section 2. Term

A. The term of this agreement is four (4) years initially effective July 25, 2016 and amended effective August 28, 2017 (through June 30, 2021). Nothing in this Agreement shall prevent, limit or otherwise interfere with the right of the BOARD to terminate the services of EMPLOYEE at any time, subject only to the provisions set forth in Section 3(A), 3(B) and 4(A) below.

B. Nothing in this Agreement shall prevent, limit or otherwise interfere with the right of the EMPLOYEE to resign at any time from his position with EMPLOYER, subject only to the provisions set forth in Section 3(C) below.

C. EMPLOYEE agrees to remain in the exclusive employ of EMPLOYER through the term of the contract, and neither to accept other employment nor to become employed by any other employer until separation from his employment with EMPLOYER. The term "employed" shall not be construed to include occasional teaching, writing or consulting on EMPLOYEE's personal time. Consulting under this agreement is defined as any consulting activity that does not includes matters or affairs that are likely to be presented to the Governing Board or Hearing Board or EMPLOYER'S staff. EMPLOYEE may provide incidental assistance or consulting to non-profit organizations, but any consulting to a for-profit organization must be previously approved by the Governing Board.

D. In the event written notice is not given by either party to this Agreement to the other, sixty (60) days prior to the termination date, as provided in this Agreement, this Agreement shall be automatically extended on the same terms and conditions as set forth in this agreement for an additional one year term.

Section 3. Suspension, Termination and Resignation

A. EMPLOYER may place the EMPLOYEE on leave of absence with full pay and benefits at any time during the term of this Agreement. EMPLOYER may terminate or suspend EMPLOYEE without pay for cause at any time during the term of this Agreement. Such suspension without pay or termination for cause will only be effective upon agreement of a majority of the full Governing Board after a hearing. EMPLOYEE shall have been given written notice setting forth any charges at least ten (10) days prior to such hearing by the full Governing Board and EMPLOYEE shall have an opportunity to address the basis for such suspension or termination to the BOARD. In the event of termination for cause, EMPLOYER shall pay EMPLOYEE for accrued vacation, administrative leave and any other accrued benefits on separation as set forth per District Policy in the District Exempt Compensation Plan or other applicable documents.

B. EMPLOYER may terminate EMPLOYEE without cause upon agreement of a majority of the full Governing Board subject to sixty (60) days' written notice, and appropriate severance pursuant to Section 4(A). In such event, EMPLOYER shall also pay EMPLOYEE for accrued vacation, administrative leave and any other accrued benefits on separation as set forth per District Policy in the District Exempt Compensation Plan or other applicable documents.

C. EMPLOYEE may voluntarily resign the position with EMPLOYER. EMPLOYER requests that EMPLOYEE provide sixty (60) days' written notice, unless the parties otherwise agree. In such event, EMPLOYER shall pay EMPLOYEE for accrued vacation, administrative leave and any other accrued benefits on separation as set forth per District Policy in the District Exempt Compensation Plan or other applicable documents.

D. In the event EMPLOYER at any time during the term of this Agreement reduces the salary or other financial benefits of EMPLOYEE, except as provided in Section 19 of this Agreement; or in the event EMPLOYER refuses, following written notice, to comply within the other provisions benefiting EMPLOYEE in this Agreement; or the EMPLOYEE resigns following a request, whether formal or informal, by the BOARD that he resign, then EMPLOYEE may, at his option, be deemed to be "terminated" at the date of such reduction or such refusal to comply within the meaning and context of the severance pay provision set forth in Section 4.

Section 4. <u>Severance Pay</u>

A. In the event EMPLOYEE is terminated without cause by the majority of the full Governing Board before expiration of the term of this employment agreement and during such time that EMPLOYEE is willing and able to perform his duties under this Agreement, EMPLOYER agrees to pay EMPLOYEE a lump sum cash payment as follows:

During the first twenty-four (24) months of this Agreement (Years 1 and 2) an amount equal to twelve (12) months of the base salary as set forth in this Agreement.

During the next twelve (12) months of this Agreement (Year 3) an amount equal to nine (9) months of the base salary set forth in this Agreement.

During the final twelve (12) months of this agreement (Year 4), or any year thereafter, an amount equal to six (6) months or the number of months remaining in the Term of the Agreement, whichever is less; of the base salary as set forth in this Agreement.

Said payment shall be subject to applicable legal deductions.

B. The number of months used to calculate the lump sum payment shall be considered the "Severance Period" and shall be calculated starting upon the effective date of termination.

C. In addition to the lump sum payment, EMPLOYER shall provide for continuance of the health, dental and vision benefits provided in Section 10 of this Agreement during the Severance Period or until EMPLOYEE finds other employment, whichever first occurs.

D. Notwithstanding any other provision herein, in accordance with Government Code Section 53260, the cash payment that Employee may receive in the event of the termination of this Agreement, as set forth in this Section, shall not exceed an amount equal to

the monthly base salary of Employee multiplied by the number of months left on the unexpired term of this Agreement.

E. EMPLOYER shall have no obligation to provide the severance amounts and/or benefit continuations provided for in this section in the event EMPLOYEE is terminated for cause.

F. Pursuant to Government Code Section 53243, EMPLOYEE is required to fully reimburse EMPLOYER for any paid leave salary offered by the EMPLOYER to the EMPLOYEE pending an investigation if EMPLOYEE is convicted of a crime involving an abuse of office or position.

G. Pursuant to Government Code Section 53243.1, EMPLOYEE is required to filly reimburse the EMPLOYER for any funds provided to EMPLOYEE for his/her legal criminal defense if EMPLOYEE is convicted of a crime involving an abuse of office or position.

H. Pursuant to Government Code Section 53243.2, regardless of the term of the Agreement, if the contract is terminated, any cash settlement related to the termination that EMPLOYEE may receive from the EMPLOYER shall be fully reimbursed to the EMPLOYER if EMPLOYEE is convicted of a crime involving an abuse of office or position.

I. For purposes of this Agreement, "abuse of office or position" shall have the same meaning as set forth in Government Code Section 53243.3 which currently defines "abuse of office or position" as either of the following: (a) An abuse of public authority, including, but not limited to, waste, fraud, and violation of the law under color of authority; or (b) A crime against public justice, including, but not limited to, a crime described in Title 5 (commencing with Section 67) or Title 7 (commencing with Section 92) of Part 1 of the Penal Code.

J. Pursuant to Government Code Section 53244, if EMPLOYEE is convicted by a state or federal trial court of any felony under state or federal law for conduct arising out of, or in the performance of, his official duties, he shall forfeit any contract right or other common law, constitutional, or statutory claim against the EMPLOYER to retirement or pension rights or benefits, however those benefits may be characterized, including lost compensation, other than the accrued rights and benefits to which he may be entitled under any public retirement system in which he is a member. The forfeiture provided by this section shall be in addition to, and independent of, any forfeiture of public retirement system rights and benefits pursuant to Sections 7522.70, 7522.72, or 7522.74 of the Government Code. Upon conviction, EMPLOYEE shall notify EMPLOYER.

Section 5. <u>Salary</u>

EMPLOYER agrees to pay EMPLOYEE for his services rendered pursuant hereto a base salary of one hundred and ninety-seven thousand and five hundred dollars ($197,500) as follows:

During the four (4) year term of this Agreement EMPLOYEE will receive sixteen thousand four hundred fifty eight dollars and thirty three cents ($16,458.33) per month less all applicable withholdings.

Such salary shall be effective July 25, 2016 and be paid in installments at the same time and in the same manner as other employees of the EMPLOYER are paid.

Subject to a satisfactory annual performance evaluation, EMPLOYER authorizes a lump sum award in the amount of 2.5% of the annual base salary.

Section 6. Performance Evaluation

The BOARD shall review and evaluate the performance of the EMPLOYEE by June of each year pursuant to the procedure set forth in Governing Board Policy 04-02. Any such review and evaluation shall be in accordance with specific criteria developed and agreed upon by EMPLOYER and EMPLOYEE. Further, the results of any evaluation shall be memorialized in writing and provided to EMPLOYEE and all members of the Governing Board.

Section 7. Hours of Work

It is recognized that EMPLOYEE may be required to devote a great deal of time outside the normal office hours to the business of the EMPLOYER, and to that end EMPLOYEE will be allowed to take compensatory time off as he shall deem appropriate and in consideration of the demands of the organization, during said normal office hours as set forth the Exempt Compensation Plan. Both parties agree that the employment status is exempt from overtime compensation pursuant to the Fair Labor and Standards Act.

Section 8. Automobile Allowance

EMPLOYEE's duties require the extensive use of an automobile in the normal course of business the Executive Director shall provide his own vehicle and EMPLOYER shall pay to EMPLOYEE an allowance for use of EMPLOYEE's automobile in the sum of one thousand two hundred dollars ($1,200.00) per month during the term of employment. EMPLOYEE shall be responsible for paying for liability insurance as required by state law and for gas, maintenance and repair of his automobile.

Section 9. Vacation, Sick and Administrative Leave

EMPLOYEE shall accrue and have credited to his account the same sick leave accrual currently provided to exempt employees in Group "E" as set forth in the District's Exempt Compensation Plan, except as otherwise provided herein. EMPLOYEE shall accrue 6.15 hours per payperiod of vacation leave (equal to four (4) weeks) to use each year of employment. Any vacation not taken by the EMPLOYEE will be paid out upon separation. EMPLOYEE shall be entitled to take up to one hundred and twenty (120) administrative leave hours each year, as set forth in the District's Exempt Compensation Plan, as amended.

Section 10. Disability, Health and Life Insurance and other Benefits

A. EMPLOYER agrees to provide and to make required premium payments for EMPLOYEE and his dependents for health, dental, and vision insurance policies as provided to exempt employees in Group "E" as set forth in the District's Exempt Compensation Plan.

B. EMPLOYER agrees to purchase and to pay the required premiums on term life insurance in order to provide five hundred thousand dollars ($500,000) of coverage.

C. EMPLOYER encourages the EMPLOYEE to receive a complete physical examination by a qualified physician of his choice once per calendar year, the cost of which shall be paid by the EMPLOYER. EMPLOYER's cost shall not exceed $1,500.

D. Except as otherwise provided in this Agreement, EMPLOYEE shall be entitled to all benefits provided to other Employees as set forth in the DISTRICT's Exempt Compensation Plan or other applicable DISTRICT Policies and as amended during the term of this agreement.

Section 11. Retirement and Deferred Compensation

EMPLOYER agrees to provide for participation in and pay for the EMPLOYER contributions for San Bernardino County's Employee's Retirement Association (SBCERA) as contained in the description of the District's Retirement Program as set forth in the District's Exempt Compensation Plan. EMPLOYEE shall pay any and all EMPLOYEE contributions under SBCERA.

EMPLOYER shall make monthly contributions to the DISTRICT's deferred compensation program not to exceed a total of six percent (6%) of EMPLOYEE's base salary, as determined on July 1 of each year. The EMPLOYER's contribution shall be in addition to the base salary. This contribution may be made to the MDAQMD 401(a) Matching Contribution Plan.

Section 12. Dues Subscriptions and License Fees

EMPLOYER agrees to budget and to pay for the professional dues and subscriptions necessary for EMPLOYEE's continued and full participation in national, state, regional and local associations and organizations necessary and desirable for his continued professional participation, growth and advancement, and for the good of the EMPLOYER. EMPLOYER also agrees to pay for or reimburse EMPLOYEE for fees necessary to maintain EMPLOYEE's professional licenses related to his employment with EMPLOYER.

Section 13. Professional Development

A. EMPLOYER hereby agrees to budget and to pay EMPLOYEE's travel subsistence expenses, subject to policies and procedures of the EMPLOYER, for professional and official travel, meetings and occasions adequate to continue the professional development of EMPLOYEE and to adequately pursue necessary official and other functions for EMPLOYER,

including but not limited to the California Air Pollution Control Officers Association, Air and Waste Management Association, the National Association of Clean Air Agencies, the Western Regional Air Partnership, and such other national, regional, state and local government groups and committees thereof which EMPLOYEE serves as a member.

B. EMPLOYER also agrees to budget and pay for the travel and subsistence expenses, subject to policies and procedures of the EMPLOYER, of EMPLOYEE for short courses, institutes and seminars that are necessary for his professional development and the good of the EMPLOYER.

Section 14. <u>General Expenses, Cell Phone, Laptop and Relocation Expenses</u>

A. EMPLOYER recognizes that certain expenses of a non-personal nature and generally job-affiliated nature are incurred by EMPLOYEE, and hereby agrees to reimburse or to pay said general expenses upon receipt of duly executed expense or petty cash vouchers, receipts, statements or personal affidavits, in accordance with the policy on reimbursement for general and/or travel expenses of the EMPLOYER.

B. EMPLOYER will purchase and provide EMPLOYEE a cell phone for his use. EMPLOYER will pay for a cellular voice and data plan sufficient to allow EMPLOYEE to perform his functions and conduct EMPLOYER business. EMPLOYER specifically allows EMPLOYEE to make reasonable personal use of such cellular services and phone. However, given that the cell phone is property of the EMPLOYER, EMPLOYEE has no reasonable expectation of privacy in the communications had on said cell phone.

C. EMPLOYER will provide up to twelve thousand dollars ($12,000) payable at EMPLOYEE's request in whole for relocation expenses. If EMPLOYEE resigns or voluntarily terminates his employment with the District within the first two years of the term of this Agreement EMPLOYEE will reimburse the entire amount of the relocation stipend to the EMPLOYER.

D. EMPLOYER will purchase and provide EMPLOYEE with a laptop computer sufficient to allow EMPLOYEE to perform his functions and conduct EMPLOYER business. EMPLOYER specifically allows EMPLOYEE to make reasonable personal use of such laptop. However, given that the laptop is property of the EMPLOYER, EMPLOYEE has no reasonable expectation of privacy in the contents of the laptop.

Section 15. <u>Civic Club Membership</u>

EMPLOYER recognizes the desirability of having representatives in local civic clubs and other organizations. Therefore, EMPLOYEE is authorized to become a member of such civic clubs or organizations, for which EMPLOYER shall pay all membership expenses. Any additional expenses related to said civic clubs or other organizations aside from basic membership dues shall be approved by the Board before being incurred by the EMPLOYEE.

Section 16. Indemnification

EMPLOYER shall defend, hold harmless and indemnify EMPLOYEE against any tort, professional liability claim or demand or other legal action, whether groundless or otherwise, arising out of the performance of his duties and consistent with California Government Code 820 through 827.

Section 17. Bonding

EMPLOYER shall bear the full cost of any fidelity or other bonds required of the EMPLOYEE under any law or ordinance.

Section 18. Other Terms and Conditions of Employment

The BOARD, in consultation with the Executive Director, shall fix any such other terms and conditions of employment as it may determine from time to time, relating to performance of EMPLOYEE, provided such terms and conditions are not inconsistent with or in conflict with the provisions of this Agreement, the District's Policies, and Procedures, Standard Practices, Rules and Regulations or any other law. Unless otherwise provided herein or inconsistent with the provisions herein, all other provisions of the District's Personnel Policies and Procedures, Standard Practices, Rules and Regulations or any other applicable law shall apply to the Executive Director.

Section 19. No Reduction of Benefits

EMPLOYER shall not at any time during the term of this Agreement, reduce the salary, compensation or other financial benefits of EMPLOYEE, unless there is a reduction in salary across-the-board for all employees of EMPLOYER.

Section 20. Notices

Notices pursuant to this Agreement shall be given by deposit in the custody of the United States Postal Service, postage prepaid, addressed as follows, or to such other address as may be subsequently furnished by the parties:

(1) EMPLOYER: Board Chair
Mojave Desert Air Quality Management District
14306 Park Avenue
Victorville, CA 92392

(2) EMPLOYEE: Brad Poiriez
14306 Park Avenue
Victorville, CA 92392

Alternatively, notices required pursuant to this Agreement may be personally served in the same manner as is applicable to civil judicial practice. Notice shall be deemed given as of the date of personal service or as of the date of deposit of such written notice in the course of transmission in the United States Postal Service.

Section 21. General Provisions

A. The text herein shall constitute the entire Agreement between the parties.

B. This Agreement shall be binding upon and inure to the benefit of the heirs at law and executors of Employee.

C. This Agreement shall become effective commencing June 16, 2016 and subsequently amended.

D. If any provision, or any portion thereof, contained in this Agreement is held unconstitutional, invalid or unenforceable, the remainder of this Agreement, or portion thereof, shall be deemed severable, shall not be affected and shall remain in full force and effect.

E. The venue for any claims or actions brought relative to this agreement shall be in the County of San Bernardino, California.

F. This Agreement may be signed in counterparts and by facsimile as if signed in one document, and that all counterparts when signed by the parties and their representatives shall constitute an original instrument.

Executed this **28th day of August, 2017** in Victorville, County of San Bernardino, California.

MOJAVE DESERT
AIR QUALITY MANAGEMENT DISTRICT

James L. Cox, Board Chair

EMPLOYEE

Brad Poiriez

APPROVED AS TO LEGAL FORM

Piero C. Dallarda, Partner
Best, Best & Krieger
Counsel to the MDAQMD Governing Board

The following page(s) contain the backup material for Agenda Item: Conduct a public hearing to consider the amendment of Regulation III Fees specifically the amendment of Rule 301 Permit Fees, Rule 302 Other Fees, and Rule 303 Hearing Board Fees and the adoption of Rule 300 Delinquency Penalty: a. Open public hearin

MINUTES OF THE GOVERNING BOARD
OF THE MOJAVE DESERT AIR QUALITY MANAGEMENT DISTRICT
VICTORVILLE, CALIFORNIA

DATE: August 27. 2018

RECOMMENDATION: Conduct a public hearing to consider the amendment of Regulation III – *Fees* specifically the amendment of Rule 301 – *Permit Fees*, Rule 302 – *Other Fees*, and Rule 303 – *Hearing Board Fees* and the adoption of Rule 300 – *Delinquency Penalty*: a. Open public hearing; b. Receive staff report; c. Receive public testimony; d. Close public hearing; e. Make a determination that the CEQA Categorical Exemption applies; f. Waive reading of Resolution; g. Adopt Resolution making appropriate findings, certifying the Notice of Exemption amending Rules 301, 302, and adopting Rule 300.

SUMMARY: Adjustments in fees are required from time to time to ensure that the costs are aligned with the reasonable regulatory costs of the programs they support. Rule 301, Rule 302, and Rule 303 are proposed for amendment to adjust fees by five percent (5%) to recover the rising costs associated with issuing licenses and permits, performing investigations, inspections, and audits, and the administrative enforcement and adjudication thereof. Rule 300 is proposed for adoption to encourage timely payment of fees when due.

CONFLICT OF INTEREST: None.

BACKGROUND: On 07/01/93 the Mojave Desert Air Quality Management District (MDAQMD) was created by statute and assumed all the air pollution control responsibilities the San Bernardino County Air Pollution Control District (SBCAPCD). The rules in effect at that time remained in effect until such time as the Governing Board of the MDAQMD officially changed them. The MDAQMD Governing Board, at its very first meeting, reaffirmed all the rules and regulations of the SBCAPCD. Some of the rules contained in Regulation III – *Fees* have been subsequently amended, consolidated and rescinded. On 7/23/2018 the Governing Board amended Rules 301, 302 and 303 and adopted Rule 300 in an action identical to the one proposed today. However, due to an inadvertent failure of newspaper publication the proposed changes to Regulation III needs to be re-adopted to properly comply with provisions of the Health & Safety Code.

The following changes to Regulation III are proposed: (1) Amend Rules 301 – *Permit Fees*, 302 – *Other Fees* , and 303 – *Hearing Board Fees* to adjust fees by five percent (5%) and make minor corrections for clarification; (2) Adopt Rule 300 – *Delinquency Penalty* to encourage timely payments of fees.

Rules 301, 302, and 303 are proposed for amendment to ensure that the costs are aligned with the reasonable regulatory costs of the programs they support. The proposed five percent (5%) fee adjustment to Rules 301, 302, and 303 are designed to recover the rising costs associated with issuing licenses and permits, performing investigations, inspections, and audits, and the administrative enforcement and adjudication thereof. Rule 300 is proposed for adoption to recover recurring costs associated with delinquent fees and delinquency cases.

To allow time to implement the proposed fee changes in the computerized billing system, Rule 301 is proposed to be effective on 01/01/2019, while Rules 300, 302, and 303 will be effective upon adoption.

A Notice of Exemption, Categorical Exemption (Class8; 14 Cal. Code Reg. §15308) will be prepared by the MDAQMD for the amendment of Regulation III pursuant to the requirements of CEQA.

REASON FOR RECOMMENDATION: Health & Safety Code §§40702 and 40703 require the Governing Board to hold a public hearing before adopting rules and regulations. Health & Safety Code §42311 and various other sections as indicated in the Staff Report authorize the imposition of fees by action of the Governing Board.

REVIEW BY OTHERS: This item was reviewed by Karen Nowak, District Counsel as to legal form and by Alan De Salvio, Deputy Director – Mojave Desert Operations on or about August 13, 2018.

FINANCIAL DATA: No increase in appropriation is anticipated.

PRESENTER: Alan De Salvio, Deputy Director – Mojave Desert Operations

RESOLUTION NO. 18-16

A RESOLUTION OF THE GOVERNING BOARD OF THE MOJAVE DESERT AIR QUALITY MANAGEMENT DISTRICT MAKING FINDINGS, CERTIFYING THE NOTICE OF EXEMPTION, AMENDMENT OF REGULATION III – FEES AND DIRECTING STAFF ACTIONS.

On August 27, 2018, on motion by Member _____, seconded by Member _____, and carried, the following resolution is adopted:

WHEREAS, the Mojave Desert Air Quality Management District (MDAQMD) has authority pursuant to California Health and Safety Code (H & S Code) §§40702, 40725-40728 to adopt, amend, or repeal rules and regulations; and

WHEREAS, on 07/01/93 the Mojave Desert Air Quality Management District (MDAQMD) was created by statute and assumed all the air pollution control responsibilities the San Bernardino County Air Pollution Control District (SBCAPCD); and

WHEREAS, the rules in effect at that time remained in effect until such time as the Governing Board of the MDAQMD officially changed them; and

WHEREAS, the MDAQMD Governing Board, at its very first meeting, reaffirmed all the rules and regulations of the SBCAPCD; and

WHEREAS, some of the rules contained in Regulation III – *Fees* have been subsequently amended, consolidated and rescinded; and

WHEREAS, on 07/23/18 the Governing Board amended Rules 301, 302, and 303 and adopted Rule 300 in an action identical to the one proposed today; and

WHEREAS, due to an inadvertent failure of newspaper publication, the proposed changes to Regulation III will be re-adopted on 08/27/18 to properly comply with the provisions of the Health & Safety Code § 40725; and

WHEREAS, the following changes to Regulation III are proposed: (1) Amend Rule 301 – *Permit Fees*, Rule 302 – *Other Fees*, Rule 303 – *Hearing Board Fees* (last amended 06/26/17) to adjust fees by five percent (5%) and make minor corrections for clarification; (2) Adopt Rule 300 – *Delinquency Penalty* to encourage timely payments of fees; and

WHEREAS, Rules 301, 302, and 303 are proposed for amendment to ensure that the costs are aligned with the reasonable regulatory costs of the programs they support; and

WHEREAS, The proposed five percent (5%) fee adjustment to Rule 301 – *Permit Fees*, Rule 302 – *Other Fees*, and Rule 303 – *Hearing Board Fees* are designed to recover the rising costs associated with issuing licenses and permits, performing investigations, inspections, and audits, and the administrative enforcement and adjudication thereof; and

WHEREAS, Rule 300 is proposed for adoption to recover recurring costs associated with delinquent fees and delinquency cases; and

WHEREAS, adjustments in fees are required from time to time to ensure that the costs are aligned with the reasonable regulatory costs of the programs they support; and

WHEREAS, the proposed changes to Regulation III are necessary as indicated herein and in the supporting documentation; and

WHEREAS, the MDAQMD has the authority pursuant to H & S Code §40702 to amend rules and regulations; and

WHEREAS, the proposed adoption of Rule 300 and amendments to Regulation 301, 302, and 303 to Regulation III are clear in that the meaning can be easily understood by the persons impacted by the Rule; and

WHEREAS, Rule 301 applies to any person or organization applying and/or holding an MDAQMD Authority to Construct (ATC) or Permit to Operate (PTO); and

WHEREAS, Rule 302 applies to any person or organization subject to other fees; and

WHEREAS, Rule 303 applies to any applicant or petitioner in a proceeding before the Hearing Board; and

WHEREAS, Rule 300 applies to any person or organization subject to delinquent or overdue fees; and

WHREAS, the proposed amendments to Rule 301, 302, and 303 have been developed to adjust fees by five percent (5%) to recover the rising costs associated with issuing licenses and permits, performing investigations, inspections, and audits, and the administrative enforcement and adjudication thereof, and to increase clarity for each of the affected groups; and

WHEREAS, the proposed actions regarding Regulation III are in harmony with, and

not in conflict with or contradictory to, any state law or regulations, federal law or regulation, or court decisions because these laws and regulations allow for the proposed amendments to the fee rules; and

WHEREAS, the proposed amendments do not impose the same requirements as any existing State or federal regulation because H&S Code §40702 allows the District to adopt, amend, or repeal rules and regulations, and H&S Code §42311 and various other sections merely authorize the imposition of such fees but do not specify the types and amounts of fees to be imposed; and

WHEREAS, the proposed amendments to Rules 301, 302, and 303 are needed in order to recover the rising costs associated with issuing licenses and permits, performing investigations, inspections, and audits, and the administrative enforcement and adjudication thereof, while minimizing potentially dramatic future fee increases because incremental and periodic changes were not regularly implemented; and

WHEREAS, the proposed adoption to Rule 300 is needed in order to encourage timely payment of fees when due; and

WHEREAS, a public hearing has been properly noticed and conducted, pursuant to H & S Code §40725, concerning the amendments to Regulation III, and

WHEREAS, a Notice of Exemption, a Categorical Exemption (Class 8, 14 CCR §15308) for the proposed amendments to Regulation III, completed in compliance with the California Environmental Quality Act (CEQA), has been presented to the MDAQMD Board; each member having reviewed, considered and approved the information contained therein prior to acting on the proposed amendments to Regulation III, and the MDAQMD Board having determined that the proposed amendments will not have any potential for resulting in any adverse impact upon the environment; and

WHEREAS, the Board has considered the evidence presented at the public hearing; and

NOW, THEREFORE, BE IT RESOLVED, that the Governing Board of the MDAQMD finds that the amendment of Regulation III - *Fees* are necessary, authorized, clear,

consistent, non-duplicative and properly referenced; and

BE IT FURTHER RESOLVED, that the Governing Board of the MDAQMD hereby makes a finding that the Class 8 Categorical Exemption (14 CCR §15308) applies and certifies the Notice of Exemption for the proposed amendments to Regulation III; and

BE IT FURTHER RESOLVED, that the Board of the MDAQMD does hereby adopt, pursuant to the authority granted by law, the proposed amendments to Regulation III, as set forth in the attachments to this resolution and incorporated herein by this reference; and

BE IT FURTHER RESOLVED, that this resolution shall take effect immediately upon adoption, and that the Clerk of the Board is directed to file the Notice of Exemption in compliance with the provisions of CEQA.

PASSED, APPROVED and ADOPTED by the Governing Board of the Mojave Desert Air Quality Management District by the following vote:

AYES: **MEMBER:**

NOES: **MEMBER:**

ABSENT: **MEMBER:**

ABSTAIN: **MEMBER:**

STATE OF CALIFORNIA)
) SS:
COUNTY OF SAN BERNARDINO)
)

I, Deanna Hernandez, Senior Executive Analyst of the Mojave Desert Air Quality Management District, hereby certify the foregoing to be a full, true and correct copy of the record of the action as the same appears in the Official Minutes of said Governing Board at its meeting of August 27, 2018.

_____,
Senior Executive Analyst
Mojave Desert Air Quality Management District

Rule 300
Delinquency Penalty

(A) General

(1) Purpose

(a) The purpose of this rule is to encourage the timely payment of fees when due.

(2) Applicability

(a) This rule applies to the fees imposed pursuant to District Rule 301, District Rule 302, and District Rule 303.

(B) Requirements

(1) If the fee is not paid by the due date as established by the applicable provisions of District Regulation III or by any invoice produced pursuant to the procedures specified in the applicable District Rule, then the person subject to such fee shall be assessed a Delinquency Penalty in the amount of fifty percent (50%) of the original fee.

(2) The applicant/permittee or owner/operator will be notified by mail if the fee is not paid by the due date established by the applicable provisions of District Regulation III or by any invoice produced pursuant to the procedures specified in the applicable District Rule.

(3) Assessment or payment of a Delinquency Penalty shall not limit the District's rights to pursue any other remedy provided by law.

(C) Waiver, Suspension or Reduction of Penalty

(1) The APCO may waive, suspend, or reduce the Delinquency Penalty upon good cause shown after written application from the person against whom the penalty was assessed.

(2) Such waiver, suspension or reduction in penalty will be memorialized in writing and the application and any action upon it shall be placed in the applicable District file.

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(**Adopted:** 07/09/76; **Amended:** 01/07/77; **CARB Ex. Ord. G-73:** 02/01/77; **Readopted:** 07/25/77; **Amended:** 08/22/85; **Amended:** 11/20/89; **Amended:** 01/01/90; **Amended:** 10/23/94; **Amended:** 03/24/97; **Amended:** 09/28/98; **Amended:** 06/26/00; **Amended:** 09/23/02; **Amended:** 08/23/04 effective 01/01/05; **Amended:** 06/27/05 effective 01/01/06; **Amended:** 10/23/06 effective 01/01/07; **Amended:** 6/25/07 effective 1/1/08; **Amended:** 06/23/2008 effective 01/01/2009; **Amended:** 06/28/10 effective 01/01/11; **Amended:** 08/22/11 effective 01/01/12; **Amended:** 06/25/12 effective 01/01/13; **Amended:** 06/24/13 effective 01/01/14;**Amended:** 06/23/14 effective 01/01/15; **Amended:** 06/22/15 effective 01/01/16; **Amended:** 06/27/16 effective 01/01/17; **Amended:** 06/26/17 effective 01/01/18; **Amended:** 06/25/18, 08/27/18 effective 01/01/19**)**

RULE 301
Permit Fees

(A) General

(1) Purpose

(a) This rule sets forth the fees required for various permit activities required pursuant to the provisions of Regulation II - *Permits* and Regulation XIII - *New Source Review*.

(2) Applicability

(a) Any person subject to the provisions of Regulation II - *Permits* or Regulation XIII - *New Source Review* shall pay the fees set forth in this rule.

(b) Federal, state or local governmental agencies or public districts shall pay the fees to the extent allowed pursuant to the provisions of Chapter 2, Division 7, Title 1 of the Government Code (commencing with §6103); Part 4, Division 26 and Part 6, Division 26 of the Health and Safety Code (commencing with §44300).

(3) Limitations

(a) Revenue derived from permit fees shall be limited as required by Chapter 4 of Part 4, Division 26 of the Health and Safety Code.

(4) Effective Date

(a) The amendments to this rule adopted on 06/25/18 shall be effective on 01/01/2019.

(B) Requirements and Procedures

(1) Fees, as specified herein, are required for the following activities relating to permits:

(a) The filing of a permit application.

(b) The evaluation of new or modified sources.

(c) The issuance of authority to construct(s).

(d) The issuance of permit(s) to operate.

(e) The issuance of duplicate or modified permits required by any of the following circumstances:

(i) Loss or destruction of a permit.
(ii) Change of equipment location to a site other than that described in the permit.
(iii) Transfer of ownership of the permit.
(iv) Alterations or additions to equipment as listed on the permit.

(f) Annual permit renewal.

(2) Fees shall be paid when due as specified herein:

(a) Fees shall be invoiced at least thirty (30) days before the expiration date as shown on the permit. The owner/operator will be notified by First Class mail of the amount to be paid and the due date of the invoice.

(b) If the fee is not paid on or before the due date of the invoice the permit shall become delinquent on the due date or expire on its expiration date, whichever is sooner, and will thereafter no longer be valid.

(c) Within thirty (30) days after the due date of the invoice or expiration date of the permit, whichever is sooner, if the applicable fees remain unpaid the holder of the permit shall be notified in writing by First Class mail:

(i) That the permit has become delinquent for non payment of fees and is no longer valid; and
(ii) Of the consequences of continuing to operate with an invalid permit.

(d) If the permit is delinquent for more than six (6) months the permit shall be terminated and become inactive in District records.

(3) Reinstatement of Permits

(a) A permit which is delinquent but has not become inactive may be reinstated by payment in full of all outstanding fees, fines and penalties, including but not limited to other fees imposed pursuant to Regulation III – *Fees* and fines or penalties imposed pursuant to the provisions of Article 3, Chapter 4, Part 4 of Division 26 of the Health and Safety Code (commencing with §42400).

(b) A permit which has become inactive may be reinstated by either of the following:

(i) The submittal of a new application, accompanied by payment of all previously accrued fees, fines and penalties, including but not limited to other fees imposed pursuant to Regulation III – *Fees* and fines or penalties imposed pursuant to the provisions of Article 3, Chapter 4, Part 4 of Division 26 of the Health and Safety Code (commencing with §42400) and the payment of any new fees which would apply to a similar new application; or

(ii) By submitting a written request to the APCO to reinstate the permit stating good cause for such reinstatement. The APCO or his or her designee shall review the request and may direct in writing that the permit be reinstated by payment in full of all outstanding fees, fines and penalties, including but not limited to other fees imposed pursuant to District Regulation III and fines or penalties imposed pursuant to the provisions of Article 3, Chapter 4, Part 4 of Division 26 of the Health and Safety Code (commencing with §42400).

(4) Refunds

(a) No claim for refund for any fee required by this rule shall be honored unless:

(i) For initial permit fees, such claim is submitted within ninety (90) days after the permit was issued.

(ii) For renewal permit fees, such claim is submitted within ninety (90) days after the prior permit expiration date.

(b) Refunds shall be pro-rated for the period between the date the request is received or prior permit expiration date, whichever is applicable, and the current permit expiration date.

(c) Fees established as surcharges are not refundable and are assessed in addition to the schedules established for permit fees. Surcharges are assessed and applicable as specified herein.

(d) The following fees are non-refundable:

(i) The filing fee set forth in section (C)(1).
(ii) Initial permit fees for Negative Air Machines and HEPA vacuums pursuant to section (E)(7)(h).

(5) Pro-rated fees

(a) The APCO may pro-rate any of the following fees excluding any applicable filing fee:

(i) Initial Permit Fee;
(ii) Annual Permit to Operate Renewal Fee;
(iii) Permit to Construct Renewal Fee;
(iv) Alteration, Modification, Addition or Revision Fees.

(b) Pro-rated fees shall be calculated based upon the fees and fee schedule in effect on the date of issuance of the permit to which the fees apply.

(c) Fees shall be pro-rated for the period between the date of the issuance of the affected permit and the expiration of the permit.

(6) Credit Card Payment

(a) If any person wishes to pay using a credit card, that person shall also pay the processing costs imposed by the company processing the transaction.

(C) Fees

(1) Filing Fee

(a) Except as otherwise provided, any person who applies for the issuance of a new or modified permit shall be assessed a fee of $288.00. This filing fee shall be submitted with the application.

(b) The filing fee is non-refundable and shall not be applied to any subsequent application.

(c) Applications shall not be accepted unless they are accompanied by the filing fee.

(d) Applications for asbestos remediation equipment (including negative air machines and HEPA vacuums) shall not be accepted unless they are accompanied by the filing fee and annual permit fee as specified in section (E)(7)(h).

(e) Applications for temporary permits shall not be accepted unless they are accompanied by the filing fee and annual permit fee as specified in section (E)(7)(h).

(2) Project Evaluation Fee for Complex Sources

(a) Any person who submits an application on or after January 1, 1986, which is related to projects to construct or modify any of the following shall be assessed a project evaluation fee for complex sources.

(i) Equipment associated with landfills;
(ii) Equipment associated with resource recovery projects;
(iii) Equipment associated with energy cogeneration projects;
(iv) Equipment associated with electrical power plants;
(v) Equipment associated with hazardous and toxic material and/or waste disposal or treatment facilities;
(vi) Equipment subject to the provisions of District Rule 1303 Section (B);
(vii) Equipment with emissions of a Hazardous Air Pollutant requiring a Health Risk Assessment pursuant to District Rule 1320 subsection (E)(3) or a case-by-case MACT determination pursuant to District Rule 1320 subsection (F)(2);
(viii) Equipment subject to provisions of the Prevention of Significant Deterioration Program as administered by U.S. Environmental Protection Agency or District Rule 1600; and
(ix) Any other permit units where the APCO or his or her designee has determined that an analysis required pursuant to these rules or regulations would require over two (2) hours of staff time to complete.

(b) A deposit of $6,500.00 to be applied toward the project evaluation fee for complex sources shall be paid within thirty (30) days of written notification by the District that the application is subject to this fee.

(c) The project evaluation fee for complex sources shall be based on the District's total actual and reasonable labor time and other reasonable expenses for the evaluation required to develop a permit to construct and/or permit to operate.

(i) This fee shall be calculated at a labor rate of $100.00 per hour plus actual expenses.
(ii) The fee shall accrue and be applied against the deposit.
(iii) Should the District's costs as calculated pursuant to subsection (i) above not exceed the deposit; the remainder of the deposit will be returned to the applicant.
(iv) Should the District's costs as calculated pursuant to subsection (i) above exceed the deposit the excess will be billed to the applicant.

a. The applicant shall be notified, in writing, of the amount of any such excess fee and the due date for payment of the fee.

b. An accounting of costs and written notice to the applicant shall be issued to the applicant at least quarterly.

(d) Actual expenses of the District include consultant services which are engaged by the District for the purpose of project evaluations. When project evaluations are performed for the District under such a contract, the applicant will be assessed fees for the actual total and reasonable costs incurred by the District staff to oversee, review and approve the evaluation as well as the actual cost to the District of the contractor evaluation.

(e) Actual expenses of the District include project notice fees which are incurred on behalf of public project notices.

(f) The provisions of subsection (B)(2) do not apply to this fee. If the applicant fails to pay the project evaluation fee for complex sources when due the APCO shall, after written notice to the applicant, cancel the application.

(3) Initial Permit Fee

(a) Except as otherwise provided in this rule, any person who applies for a permit shall, upon notification that the application has been approved, be assessed the initial permit fee for the issuance of a permit to construct or permit to operate in the amount prescribed in schedules set forth herein.

(i) For applications containing mutually exclusive alternative construction scenarios the APCO may, upon written request of the applicant, assess an alternate initial permit fee. Such alternate initial permit fee shall not be less than the highest initial permit fee for any single alternative scenario set forth in the application and shall not be more than the sum of the initial permit fees for all alternative scenarios set forth in the application.

(ii) For applications where multiple schedules may be applicable to a particular piece of equipment the APCO shall determine the appropriate schedule to be applied.

(b) After the provisions for granting permits as set forth in Division 26 of the Health and Safety Code and these Rules and Regulations have been complied with, the applicant shall be notified, in writing, of the amount of the fee to be paid as the initial permit fee.

(i) Notice may be given by personal service, electronically, or by First Class mail.

(4) Annual Permit to Operate Renewal Fee

(a) A Permit to operate shall be annually renewable, upon payment of fees.

(b) The annual permit to operate renewal fee shall be calculated pursuant to the schedules herein.

(c) The annual permit to operate renewal fee shall be invoiced as specified in Section (B) above.

(5) Authority to Construct Renewal Fee

(a) An authority to construct may be renewed, upon payment of fees, pursuant to the provisions of District Rule 201.

(b) The authority to construct renewal fee shall be calculated pursuant to the schedules herein.

(i) For applications containing mutually exclusive alternative construction scenarios the APCO may, upon written request of the applicant, assess an alternate authority to construct renewal fee. Such alternate authority to construct renewal fee shall not be less than the highest authority to construct renewal fee for any single alternative scenario set forth in the application and shall not be more than the sum of the authority to construct renewal fees for all alternative scenarios set forth in the application.

(ii) For applications where multiple schedules may be applicable to a particular piece of equipment the APCO shall determine the appropriate schedule to be applied.

(c) An authority to construct may only be renewed for two (2) years after the initial date of issuance, unless the application is canceled or an extension of time pursuant to the provisions of District Rule 205 has been granted by the APCO.

(d) The authority to construct renewal fee shall be invoiced as specified in Section (B) above.

(e) When construction is completed prior to the expiration of the authority to construct, the authority to construct may thereupon act as a temporary permit to operate pursuant to the provisions of District Rule 202. The residual fee for the authority to construct, calculated as a pro-rated fee for the period between the completion of construction and the expiration date of the permit, shall be applied to a pro-rated initial permit fee for the same period. Any positive difference between the residual fee and the pro-rated initial permit fee shall be invoiced as set forth in Section (B) above.

(6) Change of Location or Ownership Fees

(a) Permits, pursuant to the provisions of District Rule 209, are only valid for the location specified in the permit.

(i) Any person who applies for a permit requesting a change in the location of equipment included on a currently valid permit shall request in writing a change of location for the equipment and may be assessed an initial permit fee if the change in location also creates additional alteration(s), modification(s), addition(s) or revision(s) in either the subject permit or other permits at the same facility.

(ii) The person will be notified by mail, of the amount of the initial permit fee due as a result of the change of location and the due date for payment of the fee.

(iii) The APCO or his or her designee may, upon the applicant's written request, waive the initial permit fee.

(b) Permits, pursuant to the provisions of District Rule 209, are only valid to the person named on the permit.

(i) Any person who applies for a permit requesting a change of ownership of equipment included on a currently valid permit shall be assessed a transfer fee of $164.00 for each permit being transferred from one person to another.

(ii) The filing fee set forth in subsection (C)(1) are waived for applications solely requesting a change of ownership.

(iii) The transfer fee for applications solely requesting a change of ownership is due at the time the application is filed.

(c) Any person submitting an application for a permit requesting a change of location and/or change of ownership which also requests alteration(s), addition(s) or revision(s) to the permit shall be assessed either the fees set forth in this Section or in subsection (C)(7) whichever is greater.

(7) Alteration, Modification, Addition or Revision Fees

(a) Any person who applies for a permit requesting alteration(s), modification(s), addition(s), or revision(s) of the permit resulting from a change to equipment included on a currently valid permit shall be assessed a filing fee pursuant to subsection (C)(1) above and a permit revision fee.

(b) The permit revision fee shall be calculated as follows:

(i) The initial permit fee for a permit which includes the alteration, addition or revision minus the previous year’s annual permit to operate renewal fee, pro-rated, for the period between the date of

issuance for the permit containing the alteration addition or revisions, and the original permit(s) expiration date.

(c) The permit revision fee shall be invoiced as set forth in Section (B) above.

(d) Any person submitting an application for a permit requesting a change of location and/or change of ownership which also requests alteration(s), addition(s) or revision(s) to the permit shall be assessed either the fees set forth in this Section or in subsection (C)(6), whichever is greater.

(8) Fees Applicable when Permit Granted or Denied by Hearing Board

(a) If a permit is granted by the Hearing Board after denial of an application by the APCO or after the application has been deemed denied pursuant to District Rule 215, the applicant shall be assessed the appropriate fees set forth in this rule.

(b) The applicant shall be notified, in writing, of the amount of the fee and the due date for payment of the fee.

(c) Previously paid fees are not refundable if the Hearing Board denies the issuance of a permit which was granted by the APCO.

(9) Signed Duplicate or Corrected Permit Fees

(a) A request for a signed duplicate permit or for administrative corrections to a permit, shall be made in writing by the permit holder.

(b) The permit holder shall be assessed a fee of $78.00 for issuing each signed duplicate or corrected permit.

(c) The fee for a signed duplicate or corrected permit is due at the time the permit is requested.

(10) Previously Unpermitted or Altered Equipment Fee

(a) When equipment is built, erected, installed, altered, or replaced (except for identical replacement) without the owner or operator obtaining a permit to construct in accordance with District Rule 201, the owner or operator shall be assessed a previously unpermitted equipment fee.

(b) The previously unpermitted equipment fee shall be calculated as fifty percent (50%) of all applicable permit fees which would have been required for each year of unpermitted activity, plus the full amount of all applicable permit fees for the year immediately preceding the year when the permit to operate is granted.

(c) The unpermitted equipment fee is due when the permit to operate is granted.

(d) The assessment of an unpermitted equipment fee shall not limit the District's right to pursue any other remedy provided for by law.

(e) The provisions of this subsection shall not apply if a permit is required solely due to a change in District Rule 219.

(f) The APCO may waive the unpermitted equipment fee for good cause upon the written application of the person assessed the fee.

(11) CEQA Review Fees

(a) An application for a permit which is associated with a project subject to review under the California Environmental Quality Act (CEQA; Public Resources Code Section 21000 et seq.) shall pay, in addition to any other fees applicable pursuant to this rule, the District's cost of performing all environmental evaluation required pursuant to CEQA. Such costs shall include, but are not limited to:

(i) Cost of preparing any environmental study or Environmental Impact Report including the costs of any outside consulting assistance which the District may employ in connection with the preparation of such study or report;
(ii) Cost of publication and circulation of any required notice;
(iii) Cost of filing any required documents with another agency; and
(iv) Reasonable internal costs, including overhead, of processing and reviewing the required environmental documentation.

(12) Temporary Permits

(a) An application for a permit which will be valid for thirty (30) days or less shall be assessed an initial permit fee of one-twelfth (1/12) the value calculated per section E below, or $323.01, whichever is greater.

(D) (Reserved)

(E) Schedules for Initial Permit Fee and Annual Permit Fee

(1) Schedule 1, Motor Horsepower

Any emission generating process using motors as a power source shall be assessed a permit fee based on the cumulative total rated horsepower of all equipment in the process train, with the exception of air pollution control or other equipment that may operate independently of the process, in accordance with the following schedule:

HORSEPOWER RATING (hp)	INITIAL AND ANNUAL PERMIT FEE
(a) Up to and including 40 hp	$362.76
(b) 41 to and including 200 hp	$124.26 plus $5.96 per each hp
(c) 201 to and including 1,000 hp	$750.39 plus $28.33 per each 10 hp
(d) Greater than 1,000 hp	$2,166.68 plus $14.16 per each 10 hp

(2) Schedule 2, Fuel Burning Equipment

Any emission generating process in which fuel is burned, for the production of useful power, except for engine driven generators used for the intermittent production of electrical power not for resale, shall be assessed a permit fee based upon the design fuel consumption of the equipment expressed in British thermal units (Btu) per hour, using gross heating values of the fuel plus 2,550 Btu for each horsepower of associated motor driven equipment, in accordance with the following schedule:

BRITISH THERMAL UNITS (BTU) PER HOUR	INITIAL AND ANNUAL PERMIT FEE
(a) Up to and including 250,000 Btu	$124.26 plus $175.61 per each 100,000 Btu
(b) 250,001 to and including 1,000,000 Btu	$314.75 plus $99.38 per each 100,000 Btu
(c) 1,000,001 to and including 4,000,000 Btu	$935.91 plus $37.26 per each 100,000 Btu
(d) 4,000,001 to and including 10,000,000 Btu	$1,234.09 plus $29.84 per each 100,000 Btu
(e) 10,000,001 to and including 100,000,000 Btu	$3,404.09 plus $81.18 per each 1,000,000 Btu
(f) Greater than 100,000,000 Btu	$9,450.25 plus $20.72 per each 1,000,000 Btu

(3) Schedule 3, Electrical Energy

Any emission generating process which uses electrical energy, with the exception of motors covered in Schedule 1, shall be assessed a permit fee based on the total kilovolt-ampere (kVA) ratings, in accordance with the following schedule:

KILOVOLT-AMPERE (kVA)	INITIAL AND ANNUAL PERMIT FEE
(a) Up to and including 45 kVA	$332.93
(b) Greater than 45 kVA	$318.05 plus $0.36 per each kVA

(4) Schedule 4, Incinerator Equipment

Any equipment designed and used primarily to dispose of combustible refuse by wholly consuming the material charged leaving only the ashes or residue shall be assessed an initial and annual permit fee based on the maximum horizontal, inside, cross sectional area, in square feet, of the primary combustion chamber. The fee shall be $332.93 plus $21.55 per square foot.

(5) Schedule 5, Stationary Containers

Any stationary tank, reservoir, or other container with the exception of stationary storage tanks covered in Schedule 6 (subsection (E)(6)) herein, shall be assessed a permit fee on the following schedule of capacities in gallons or cubic equivalent:

GALLONS	INITIAL AND ANNUAL PERMIT FEE
(a) Up to and including 10,000 gallons	$318.05
(b) 10,001 to and including 100,000 gallons	$276.62 plus $4.16 per each 1,000 gallons
(c) 100,001 to and including 2,000,000 gallons	$609.59 plus $8.11 per each 10,000 gallons
(d) Greater than 2,000,001 gallons	$1,822.15 plus $20.53 per each 100,000 gallons

(6) Schedule 6, Retail Gasoline Dispensing Equipment

Any fueling equipment used to dispense gasoline (as defined in District Rule 461 subsection (B)(2)) at a single retail location, including but not limited to, stationary gasoline storage tanks, dispensers, and vapor recovery systems where required, shall be assessed an initial and annual permit fee in accordance with the following schedule:

(a) $52.01 per single product nozzle.

(b) $52.01 per product for each multi-product nozzle.

(7) Schedule 7, Miscellaneous Permit Fees

Permits to operate the following equipment shall be assessed an initial and annual permit fee in accordance with the following schedule:

(a) Each permit of a dry cleaning device: $323.01.

(b) Test Stand, Intermittent: $323.01.

(c) Spray coating equipment operated outside of a control enclosure: $323.01.

(d) Vapor degreasing equipment using non-Volatile Organic Compound (VOC) material only: $323.01.

(e) Portable abrasive blasting equipment: $323.01.

(f) Mobile asphalt or coal tar pitch roofing equipment with a capacity greater than 500 gallons: $323.01.

(g) Internal combustion engines of greater than or equal to fifty (50) brake horsepower driving electrical generators which meet any of the following criteria:

(i) Used at facilities normally serviced with commercial power, where the generators are used exclusively as emergency units during loss of commercial power: $323.01.

(ii) Used at facilities normally serviced with an alternative energy supply including, but not limited to, photovoltaic power, where the generators are used exclusively as emergency units during loss of such alternative energy source but no more than 200 hours total per year: $323.01.

(iii) Used to drive a fire pump or deluge pump that is used exclusively during fire emergency or testing: $323.01.

(h) Air Pollution Control Devices: $289.88

(i) Air Pollution Control Devices for the purpose of this subsection are those devices which are not a part of the basic process train. For the purposes of this subsection such devices do not include product separators.

(ii) Collection systems and conveyors associated with Air Pollution Control Devices as defined in this subsection shall not be considered as part of the air pollution control device.

(i) Any piece of equipment which has the potential to emit pollutants, but not included elsewhere in these schedules: $323.01.

(8) Schedule 8, Direct-Fired Production Equipment

Any emission generating process in which fuel is burned in combination with other materials for the purpose of producing a salable product, shall be assessed a permit fee based on the total equivalent fuel consumption of the equipment expressed in British thermal units (Btu) per hour, using gross heating values of the fuel plus 2,550 Btu for each horsepower of associated motor driven equipment, in accordance with the following schedule:

BRITISH THERMAL UNITS (BTU) PER HOUR	INITIAL AND ANNUAL PERMIT FEE
(a) Up to and including 250,000 Btu	$124.26 plus $175.61 per each 100,000 Btu
(b) 250,001 to and including 1,000,000 Btu	$314.75 plus $99.38 per each 100,000 Btu
(c) 1,000,001 to and including 4,000,000 Btu	$935.91 plus $37.26 per each 100,000 Btu
(d) 4,000,001 to and including 10,000,000 Btu	$1,234.09 plus $29.84 per each 100,000 Btu
(e) 10,000,001 to and including 100,000,000 Btu	$3,404.09 plus $81.18 per each 1,000,000 Btu
(f) Greater than 100,000,000 Btu	$9,450.25 plus $20.72 per each 1,000,000 Btu

(9) Schedule 9, Engine Driven Electric Generators

Generators used for the intermittent generation of electricity, other than for resale, where such generators provide power at the facility to assure continued operational capability should there be a loss of commercial power and/or to obtain a favorable commercial rate schedule shall be assessed a permit fee based upon the design fuel consumption of the equipment expressed in British thermal units (Btu) per hour, using gross heating values of the fuel, in accordance with the following schedule:

BRITISH THERMAL UNITS (BTU) PER HOUR	INITIAL AND ANNUAL PERMIT FEE
(a) Up to and including 250,000 Btu	$124.26 plus $175.61 per each 100,000 Btu
(b) 250,001 to and including 1,000,000 Btu	$314.75 plus $99.38 per each 100,000 Btu
(c) 1,000,001 to and including 4,000,000 Btu	$935.91 plus $37.26 per each 100,000 Btu
(d) 4,000,001 to and including 10,000,000 Btu	$1,234.09 plus $29.84 per each 100,000 Btu
(e) 10,000,001 to and including 100,000,000 Btu	$3,404.09 plus $81.18 per each 1,000,000 Btu
(f) Greater than 100,000,000 Btu	$9,450.25 plus $20.72 per each 1,000,000 Btu

(10) Schedule 10, Stand-By Equipment

Equipment used exclusively to provide continued operation of a process during maintenance or repair of an existing piece of regularly permitted equipment, shall be assessed an initial and annual permit fee of fifty percent (50%) of the appropriate fee schedule for that type of equipment or $289.88, whichever is the greater.

(11) Schedule 11, Landfills

Any landfill required to install a gas collection system pursuant to the provisions of 40 CFR 60 Subpart Cc (commencing with 40 CFR 60.30c) or 40 CFR 60 Subpart WWW (commencing with 40 CFR 60.750) or 40 CFR Subpart XXX (commencing with 40 CFR 60.760), shall be assessed an initial and annual permit fee of $1,596.03 per gas collection facility.

[SIP: Not in SIP.]

(**Adopted:** 11/20/89; **Effective Date:** 01/01/90; **Amended:** 06/22/15; **Amended:** 06/27/16; **Amended:** 06/26/17; **Amended:** 06/25/18, 08/27/18)

Rule 302
Other Fees

(A) General

(1) Purpose

(a) This rule sets forth fees which may be charged for various activities, documents and services, including but not limited to, provision of publications, performing analysis, filing, evaluation and enforcement of plans and State Mandated Fees.

(2) Applicability

(a) This rule applies to

(i) Any person subject to a fee listed herein.
(ii) Any of the following governmental entities subject to a fee listed herein.
a. Federal, state and local government agencies or public districts shall pay the fees to the extent allowed pursuant to the provisions of Chapter 2, Division 7, Title 1 of the Government Code (commencing with Section 6103); Part 4, Division 26 of the Health and Safety (H&S) Code (commencing with Section 41500) and Part 6, Division 26 of the H&S Code (commencing with Section 44300).

(B) Definitions

The definitions contained in District Rule 102 shall apply unless the term is otherwise defined herein:

(1) "Demolition Project" – The wrecking or taking out of any load-supporting structural member of a Structure subject to 40 CFR 61, Subpart M together with any related handling operations, or the intentional burning of such Structure.

(2) "Installation" – Any building or structure or any group of buildings or structures at a single Demolition Project or Renovation Project site that are under control of the same owner or operator (or owner or operator under common control).

(3) "Plan or Report" – A document required to be submitted to the District by District rule or regulation; or state or federal law or regulation, providing a description of actions or procedures necessary to accomplish the particular objective and containing those items set forth in the underlying requirement.

(4) "Source Test Protocol" – A test work plan or protocol includes a process description, field sampling methods, analytical test methods, test schedules, equipment calibration and a results presentation format used to determine the type and quantity of pollutants emitted from sources by sampling the effluent stream.

(5) "Source Test Report" – A document that provides the analytical results from an emission source test used to determine the type and quantity of pollutants emitted from sources by sampling the effluent stream. The report should contain an executive summary, field sampling methods, analytical test methods, equipment calibration and a results presentation to determine the type and quantity of pollutants emitted from sources by sampling the effluent stream.

(6) "Structure subject to 40 CFR 61, Subpart M" – Any institutional, commercial, public, industrial, or residential structure, Installation, or building (including any structure, Installation, or building containing condominiums or individual dwelling units operated as a residential cooperative, but excluding residential buildings having four (4) or fewer dwelling units); any ship; and any active or inactive waste disposal site. For the purposes of this definition, any building, structure, or Installation that contains a loft used as a dwelling is not considered a residential structure, installation, or building. Any structure, Installation or building that was previously subject to 40 CFR 61, Subpart M is not excluded, regardless of its current use or function.

(7) "Renovation Project" – Altering a Structure subject to 40 CFR 61, Subpart M or one or more Structure(s) subject to 40 CFR 61, Subpart M components in any way, including the removal of asbestos-containing material from a Structure subject to 40 CFR 61, Subpart M component. Operations in which load-supporting structural members are wrecked or taken out are Demolition Projects.

(C) Payments, Adjustments and Refunds

(1) Fees shall be paid when due as specified herein.

(a) Analysis Fees and Monitoring Device Fees

(i) Analysis and Monitoring Device fees shall be invoiced as follows:

a. Directly by the entity retained by the District to perform the test and or analysis;

b. By the District within thirty (30) days of receipt of an invoice by the District for testing and/or analysis services; or

c. By the District within thirty (30) days of completion of the analysis of testing methodology and review of test results.

(ii) If invoiced by the District, the person ordered to provide the analysis or test by the Air Pollution Control Officer (APCO) will be notified by First Class mail of the amount to pay and the due date of the invoice.

(iii) If the fee is not paid within thirty (30) days of the due date of the invoice shall constitute grounds for the denial, revocation or suspension of all permits to operate at sources subject to permit requirements and shall constitute a violation of this rule for any source, whether or not subject to permit requirements.

(b) Asbestos Demolition/Renovation Fees

(i) Asbestos Demolition/Renovation Fees shall be paid at the time of the submittal of the Demolition or Renovation notification.

(ii) Permit fees for Air Pollution Control Devices shall be paid pursuant to the provisions of District Rule 301.

(iii) If subsequent charges for Asbestos Demolition/Renovation Fees apply the District shall be invoiced within ten (10) days of the change resulting in the subsequent charges as follows:

a. The invoice shall be sent via First Class mail to the person submitting the notification at the address listed therein.

b. Payment of the fees shall be due thirty (30) days from the date of mailing.

c. If the fee is not paid within thirty (30) days of the due date of the invoice shall constitute grounds for the denial, revocation or suspension of all permits to operate at sources subject to permit requirements and shall constitute a violation of this rule for any source, whether or not subject to permit requirements.

(c) Asbestos Waste Disposal Site Fees

(i) Asbestos Waste Disposal Site Fees shall be invoiced and paid at the same time and in the same manner as permit fees set forth in District Rule 301.

(d) Certificate of Occupancy Fee

(i) Certificate of Occupancy Fee, if applicable, shall be paid prior to delivery of the official documentation showing the District's approval of the Certificate of Occupancy.

(e) Emission Reduction Credit (ERC) Fees

(i) The initial fee for the issuance, encumbrance, transfer or reclassification of ERCs shall be paid upon submission of the application for issuance, encumbrance, transfer or reclassification.

(ii) Analysis fees, if applicable, for the issuance of ERCs shall be invoiced within ten (10) days of the completion of the analysis as follows:

a. The invoice shall be sent via First Class mail to the applicant.

b. Payment of the fees shall be due thirty (30) days from the date of mailing.

c. If the fee is not paid within thirty (30) days of the due date of the invoice shall refrain from issuing the ERCs.

(f) Plan and Report Fees

(i) Plan and Report filing and evaluation fees shall be paid at the time of submission of the Plan or Report.

(ii) If a Plan or Report analysis exceeds two (2) hours of District staff time then the District shall invoice the fee within ten (10) days of completion of the analysis but prior to the issuance of the approval of the Plan or Report.

a. The invoice shall be sent via First Class mail to the contact person indicated in the Plan or Report.

b. Payment of Plan or Report analysis Fee shall be due in thirty (30) days from the date of mailing.

c. If the fee is not paid within thirty (30) days of the due date of the invoice then the District shall refrain from approving the Plan or Report.

(iii) If a Plan or Report requires an annual renewal the District shall invoice the renewal fee at least thirty (30) days prior to the expiration date.

a. The invoice shall be sent via First Class mail to the contact person indicated in the Plan or Report.

b. Payment of annual review fee shall be due in thirty (30) days from the date of mailing.

c. Fees not paid within thirty (30) days of the due date of the invoice shall constitute grounds for the denial, revocation or suspension of all permits to operate at sources subject to permit requirements and shall constitute a violation of this rule for any source, whether or not subject to permit requirements.

(g) Publication Fees

(i) Publication fees shall be paid prior to the delivery of the publication requested.

(h) State Mandated Fees

(i) State Mandated Fees shall be due and paid as specified in the regulation which imposes the mandate and allows the District to collect the state imposed fees for such mandate.

(2) Credit Card Payments

(a) Fees may be paid by credit card directly from the District website.

(b) If any person wishes to pay using a credit card, the person shall also pay any costs imposed by the company processing the credit card transaction.

(3) Refunds

(a) Fees set forth in this rule are non-refundable unless otherwise listed below.

(b) Asbestos Fee Refunds

(i) Applicants who have paid Asbestos Fees and submitted a notification for a project that is subsequently not accomplished, may request a refund of the fee.

(ii) The amount of the refund shall be calculated as the fee paid minus any amount expended by the District in labor to review, analyze, inspect or otherwise deal with the notification at the hourly labor rate specified in District Rule 301 subsection (C)(2)(c)(i) or the fee paid minus one (1) hour at the specified labor rate, whichever amount is less.

(c) ERC Fee Refunds

(i) If an application for the issuance of ERCs is withdrawn by the applicant within sixty (60) days of the date of the submittal of the application, the applicant shall be entitled to a refund of sixty percent (60%) of the application fee.

(4) Service Charge for Returned Checks

(a) Any person who submits a check to the District on insufficient funds or on instructions to stop payment on the check, absent an overcharge or other legal entitlement to withhold payment, shall be subject to a $25.00 service charge.

(D) Analysis Fees

(1) Any person ordered by the APCO to provide an analysis of materials used by, or the determination of emissions from, any source of air contaminants shall pay all direct costs associated with such tests as invoiced by the entity which is retained by the District or retained by the owner/operator to perform the tests.

(2) Any owner or operator of a facility from whom the District collects a sample shall pay all direct costs associated with such tests as invoiced by the entity which is retained by the District to perform the tests.

(3) Any person subject to the provisions of subsection (D)(1) or (2) above shall also be assessed a fee for the reasonable time required by District staff to review the testing methodology and results.

(a) Such fee shall be calculated at the hourly labor rate specified in District Rule 301 subsection (C)(2)(c)(i) plus actual expenses.

(4) Data and sample collection methods, analysis methods and the qualifications of testing personnel or firms shall be determined by the APCO.

(E) Asbestos Demolition/Renovation Fees

(1) Any person who is required by the provisions of the National Emissions Standards for Hazardous Air Pollutants (NESHAP) for Asbestos as set forth in 40 Code of Federal Regulations, Part 61 (40 CFR 61), Subpart M, (and as adopted by reference in District Rule 1000 subsection (C)(2)(m)) to submit a written notice of intention to demolish, including but not limited to Demolitions Projects where no asbestos is present, and/or Demolition Projects by fire, shall pay a fee of$139.00.

(a) This fee may be waived by the APCO in those cases where a single notification is submitted for a Renovation and subsequent Demolition on the same building, provided that the notification meets all the requirements of 40 CFR 61, Subpart M for both projects.

(2) Any person who is required by the provisions of the National Emissions Standards for Hazardous Air Pollutants (NESHAP) for Asbestos as set forth in 40 Code of Federal Regulations, Part 61 (40 CFR 61), Subpart M, (and as adopted by reference in District Rule 1000 subsection (C)(2)(m)) to submit a written notice of intention to renovate or abate shall pay a fee calculated as follows:

(a) For Renovation projects involving the removal or stripping of more than 260 linear feet of pipe but less than 1,600 linear feet of pipe; or more than 160 square feet of material but less than 1,000 square feet of material, a fee of $303.00, except as noted in subsection (E)(3).

(b) For Renovation projects involving the removal or stripping of 1,600 linear feet or more of pipe but less than 8,000 linear feet of pipe; or 1,000 square feet or more of material but less than 5,000 square feet of material, a fee of $524.00, except as noted in subsection (E)(3).

(c) For Renovation projects involving the removal or stripping of 8,000 linear feet or more of pipe or 5,000 square feet or more of material, a fee of $524.00 plus $221.00 for each 8,000 lineal feet of pipe or fraction thereof over 8,000 lineal feet of pipe and for each 5,000 square feet of material or fraction thereof over 5,000 square feet of material, except as noted in subsection (E)(3).

(3) Calculation of Linear Footage

(a) Where the outside diameter of piping insulation (wrapping) is greater than 2.35 inches, the calculation of linear footage of pipe shall be converted to square footage, the square footage of material involved to be calculated using the following equation:

$$A = \frac{3.14159 \times L \times D}{12}$$

Where:

A	=	Area in square feet
L	=	Linear length of piping in feet
D	=	Outside diameter of pipe insulation (wrap) in inches

Such projects shall thereafter be evaluated in terms of square footage and the appropriate fee determined on the basis of total amount of material in square feet.

(4) Permit Requirements

(a) Each High-Efficiency Particulate Arrestance (HEPA) filter or other control device used to ventilate a work area must obtain a Permit to Operate and pay the applicable fees pursuant to District Rule 301 subsections (C)(1) and (E)(7)(h) for an air pollution control device. This permit is good for one (1) year from the date issued and may be used on any project within the District as long as the project notification contains a copy of the Permit to Operate.

(5) Subsequent Charges

(a) If in the course of a Renovation Project pursuant to 40 CFR 61, Subpart M, it is determined that the project involves the removal or stripping of material such that the project requires a greater fee than was initially proposed, the owner or operator shall pay the balance of the fee.

(b) If an owner/operator fails to report a change in any date as required by Rule 40 CFR 61, Subpart M, and the APCO determines that such failure necessitated expenditure of additional time by the District, over and above that upon which the fee is based, then the owner or operator shall pay an additional fee at the hourly labor rate specified in District Rule 301 subsection (C)(2)(c)(i), billable in quarter hour increments.

(F) Asbestos Waste Disposal Site Fees

(1) The owner/operator of an asbestos waste disposal site subject to the provisions of the NESHAP for Asbestos as set forth in 40 CFR 61, Subpart M (and as adopted by reference in District Rule 1000 subsection (C)(2)(m)) including but not limited to; active and inactive landfills; incinerators; and convection or destruction processes, shall be assessed a fee to cover the cost of the review and evaluation of plans required by law or by District rules or regulations and any inspection and monitoring requirements related thereto.

(a) For each facility performing disposal of asbestos-containing material for manufacturing, fabricating, demolition, renovation and/or spraying operations, the owner or operator shall pay, in addition to the fees of District Rule 301, a fee of $1,104.00 per year.

(b) For each waste disposal site actively receiving asbestos-containing material for disposal which is not covered by subsection (F)(1)(a) above, the owner/operator shall pay, in addition to the applicable fees pursuant to District Rule 301 and any applicable fees pursuant to subsection (J)(4), a fee of $1,104.00 per year.

(c) For each waste disposal site not actively receiving asbestos containing material for disposal but where asbestos-containing waste material was deposited, the owner/operator shall pay in addition to the applicable fees pursuant to District Rule 301 and any applicable fees pursuant to subsection (J)(4), a fee of $221.00 per year.

(G) Certificate of Occupancy Fee

(1) Any person required to obtain a final Certificate of Occupancy from a city or county within the District shall pay a fee of $110.00 to the District for review of the project to ensure that the applicable portions of Regulation II – *Permits* and Regulation XIII – *New Source Review* have been met.

(a) This fee shall not apply to a Certificate of Occupancy required for residential structures or for any review taking less than one (1) hour of staff time to perform.

(H) Emissions Reduction Credit (ERC) Fee

(1) Any person applying for the issuance, transfer encumbrance and/or reclassification of Emissions Reduction Credits (ERC) pursuant to the provisions of District Rule 1402 shall pay a fee as follows:

(a) Any person submitting an application for ERCs pursuant to District Rule 1402 subsection (B)(1) shall pay an initial fee of $386.00 for each application submitted, and shall pay an analysis fee based upon the actual and reasonable labor time in excess of two (2) hours of labor, billed at the hourly labor rate specified in District Rule 301 subsection (C)(2)(c)(i).

(b) Any person submitting a document effecting an encumbrance of or transfer of ERCs pursuant to District Rule 1402 subsection (D)(2) - (4) shall pay a fee of $83.00 for each document submitted.

(c) Any person who has received notification that the APCO has approved the reclassification of Class “B” ERCs to Class “A” ERCs shall pay a processing fee of $56.00 at the time the affected Class “B” ERC certificates are submitted for conversion to Class “A” ERC certificates.

(2) The District will not accept, process or issue an ERC certificate, record an encumbrance or process a transfer unless and until all applicable fees are paid in full.

(I) Monitoring Device Fees

(1) Any owner/operator of a Facility with a Continuous Emissions Monitoring System (CEMS), Continuous Opacity Monitoring System (COMS), Continuous Emission Rate Monitoring System (CERMS) or other monitoring system required by state or federal law or District rule shall be assessed a fee to cover the costs of District activities related to insuring that such devices are functioning properly. District activities include but are not limited to the inspection, certification testing, review of certification testing, review of data for quality assurance, and assistance in investigating system malfunctions.

(2) Any owner/operator of a Facility with a CEMS, COMS, CERMS or other monitoring system required by state or federal law or District rule required to certify that such devices are functioning properly shall pay all direct costs associated with such tests as invoiced by the entity which is retained by the owner/operator to perform the tests.

(3) Such Monitoring Device Fee shall be calculated based upon the reasonable time required by District staff to perform the activities at the hourly labor rate specified in District Rule 301 subsection (C)(2)(c)(i) plus actual expenses.

(J) Plan and Report Analysis Fees

(1) Air Toxics Plan and Report Analysis Fees

(a) Any person required to submit a Comprehensive Emissions Inventory Report (CEIR), Health Risk Assessment Plan, Health Risk Assessment, Risk Reduction Plan or Risk Reduction and Audit Plan pursuant to the provisions of District Rule 1320 or 1520 shall be assessed a Plan and Report Analysis Fee to cover the reasonable costs and time required for District staff to review and approve of the documentation submitted which exceeds two (2) hours.

(b) Such fee shall be calculated at the hourly labor rate specified in District Rule 301 subsection (C)(2)(c)(i) plus actual expenses.

(2) Dust Control Plans

(a) Any person who is required to submit a Dust Control Plan (DCP) pursuant to the provisions of District Regulation IV, enforcement action, or at the direction of the APCO shall be assessed a plan filing and evaluation fee of $575.00.

(i) Upon termination of construction activities, if a site stability evaluation is performed, the person holding the DCP shall be assessed an inspection fee of $250.00.

(b) Any person required to resubmit the DCP annually pursuant to the provisions of District Regulation IV, enforcement action, or at the

direction of the APCO shall be assessed a plan resubmission filing and evaluation fee of $250.00.

(c) If a site inspection for compliance with the provisions of Regulation IV or the applicable DCP is performed, the person holding the DCP may be assessed a site inspection fee of $250.00

(3) Source Test Protocol and Source Test Report Review Fees

(a) Any person required to submit a Source Test Protocol or Source Test Report to the District pursuant to the provisions of any by District rule or regulation; or state or federal law or regulation shall be assessed a Source Test Protocol or Source Test Report Review Fee to cover the reasonable costs and time required for District staff to review and approve of the documentation submitted which exceeds two (2) hours.

(b) Such fee shall be calculated at the hourly labor rate specified in District Rule 301 subsection (C)(2)(c)(i) plus actual expenses.

(4) Solid Waste Disposal Site Fees

(a) Any owner/operator of a solid waste disposal site subject to H&S Code Section 41805.5 which is required to submit a Solid Waste Assessment Test (SWAT) Plan for District approval prior to conducting tests shall pay a filing fee of $110.00.

(b) Any owner/operator required to submit a SWAT Report following the completion of testing shall pay a filing fee of $110.00.

(c) Any owner/operator required to submit a SWAT Plan or Report shall also be assessed a SWAT Plan/Report Evaluation Fee.

(i) Such SWAT Plan/Report Evaluation Fee shall be calculated based upon the reasonable time required by District staff to review the applicable plan or report at the hourly labor rate specified in District Rule 301 subsection (C)(2)(c)(i) plus actual expenses.

(K) Fees for District Publications

(1) Any person receiving a publication for which a fee is charged shall be assessed the designated fee.

(a) The APCO shall designate those publications, including information circulars, reports of technical work, or other reports, prepared by the District for which a fee shall be charged.

(b) Such fee shall be established by the APCO in a sum not to exceed the cost of preparation and distribution of such documents. Such fees shall be deposited in the general funds of the District.

(c) Any person shall be entitled to receive one (1) copy of any District publication without charge.

(d) Nothing in this subsection shall be construed to limit the rights of any person or of the District pursuant to the California Public Records Act as set forth in Chapter 3.5, Division 7 of Title 1 (commencing with §6250) of the Government Code.

(L) State Mandated Fees

(1) Air Toxics "Hot Spots" Information and Assessment Fees

(a) Any person subject to the provisions of the Air Toxics "Hot Spots" Information and Assessment Act as amended (H&S Code §§44300 et seq.) and the regulations promulgated thereunder shall be assessed an annual fee for the various state level components required by the Act. The fee schedule is set by the California Air Resources Board (CARB) and authorizes collection of the fee by the District pursuant to the provisions of the adopting regulation.

(2) Nonvehicular Source Fees

(a) Any person subject to the provisions of Subchapter 3.8 of Division 3 of Title 17 of the California Code of Regulations, commencing with §90800 shall pay an annual fee as authorized by the provisions of the regulation. The fee schedule is set by CARB and authorizes collection of the fee by the District pursuant to the provisions of the adopting regulation.

(3) Portable Equipment Inspection

(a) Any person subject to the Statewide Portable Equipment Registration Program (PERP) established by CARB pursuant to the provisions of H&S Code §§ 41750 et seq. and the regulations promulgated there under shall pay an inspection fee in the amount set forth in regulation for each registered portable engine or equipment unit inspected by the District.

(4) Other State Mandated Fees

(a) Any person subject to the provisions of a state adopted regulation or rule that assesses a fee to cover District costs for implementing such regulation and authorizes the collection of the fee by the District shall be assessed such fee pursuant to the provisions of the adopting regulation.

(**Adopted:** 11/20/89; effective: 01/01/90; **Amended**: 06/22/15; **Amended**: 06/27/16; **Amended:** 06/26/17; **Amended**: 06/25/18, 08/27/18)

Rule 303
Hearing Board Fees

(A) General

(1) Purpose

(a) To set forth fees required for various proceedings brought before the Hearing Board.

(2) Applicability

(a) This rule applies to all applicants or petitioners bringing proceedings before the Hearing Board including, but not limited to, Federal, State or local government agencies or public districts.

(b) This rule shall not apply to petitions filed by the Air Pollution Control Officer (APCO).

(B) Fees

(1) Filing Fees

(a) Every applicant or petitioner in a proceeding before the Hearing Board shall pay to the Hearing Board, at the time of filing, a Filing Fee of $497.00 for each petition or application.

(2) Daily Appearance Fee

(a) In addition to the Filing Fee, each petitioner or applicant with a proceeding (designated by a case number) before the Hearing Board shall pay a Daily Appearance Fee of $607.00 per hearing day.

(i) This fee shall apply to the initial appearance before the full Hearing Board and all following appearances which pertain to the same proceeding as designated by case number.

(ii) After the initial appearance, the Daily Appearance Fee shall be waived for any appearance (pertaining to the same proceeding) which has duration of less than one (1) hour.

(iii) This fee shall apply regardless of the duration of the hearing, when the applicant is requesting a modification to an order for abatement.

(iv) This fee does not apply to single member hearings provided pursuant to Health & Safety Code §§ 40824, 40285, 42351.5 or 42359.5.

(3) Publication Fees

(a) Upon demand and in addition to the payment of the foregoing fees, every petitioner for relief which requires published notice shall pay a fee to cover the actual cost of publication(s) of notice of hearing.

(4) Group Variance Fees

(a) Each petitioner included in a petition for a group variance shall pay the Filing Fee and the Excess Emissions Fee.

(b) The Daily Appearance Fee and the Publication Fee shall be totaled and divided equally among the petitioners.

(c) A Product Variance shall be treated as a single entity variance for the purpose of this section.

(5) Transcript Fees

(a) Any person requesting a transcript of the hearing shall pay the cost of such transcript. The parties to hearings and prehearing proceedings may be directed by the Hearing Board to pay the cost of transcripts necessary for the Hearing Board's determination of the matter, in such proportion as the Hearing Board may order.

(6) Excess Emission Fee

(a) Each applicant or petitioner for a variance from these rules and regulations shall pay to the District, if ordered by the Hearing Board, an Excess Emission Fee based on the total amount of emissions discharged.

(i) This fee shall be calculated in accordance with the schedule set forth in Table I.

(ii) Where the total excess emissions cannot be readily calculated, the petitioner shall work in concert with District staff to establish the amount of Excess Emission Fees to be paid. In cases where District staff determines calculations or estimations cannot be made the petitioner shall pay the Minimum Excess Emission Fee as set forth in subsection (B)(6)(c).

(iii) In the event that more than one (1) rule limiting the discharge of the same contaminant are violated, the Excess Emission Fee shall consist of the fee for violation which will result in the payment of the greater sum. For the purposes of this subsection opacity rules and particulate mass emissions shall not be considered rules limiting discharge of the same contaminant.

(iv) The Excess Emission Fee shall be calculated by the petitioner based upon the requested number of days of operation under variance multiplied by the expected excess emissions.

(v) If the amount of the excess emissions fee is less than the Minimum Excess Emission Fee the applicant or petitioner shall pay the higher amount.

(vi) The Hearing Board may adjust the Excess Emission Fee based on evidence regarding emissions presented at the time of the hearing.

(vii) The provisions of this subsection shall apply only to those rules or permit conditions that specify quantitative emission limits.

(b) Excess Visible Emission Fee

(i) Each applicant or petitioner for a variance from District Rule 401 or Health and Safety Code Section 41701 shall pay to the District, if ordered by the Hearing Board, a Excess Visible Emission Fee based on the difference between the percent opacity allowed by District Rule 401 and the percent opacity of the emissions allowed by the variance from the source or sources operating under variance in accordance with the schedule set forth in Table II.

(ii) In the event that an applicant or petitioner is exempt from the provisions of District Rule 401, the applicant or petitioner shall pay a fee calculated based upon the difference between the opacity allowed by variance and the opacity allowed under the provisions of Health and Safety Code, Section 41701, in accordance with the schedule set forth in Table II.

(iii) The Excess Visible Emission Fee shall be calculated by the petitioner based upon the requested number of days of operation under variance multiplied by the expected excess visible emissions.

(iv) The Hearing Board may adjust the Excess Visible Emissions Fee based on evidence regarding emissions presented at the time of the hearing.

(c) Minimum Excess Emission Fee

(i) When a variance is granted from a rule or rules which limit the discharge of air contaminants, such that an Excess Emission Fee is due, a fee of at least $110.00 per day, per source of emissions, shall be imposed and remitted.

(C) Payments Adjustments and Refunds

(1) Adjustment of Fees

(a) If after the term of a variance for which emissions fee have been paid, the applicant or petitioner can establish, to the satisfaction of the APCO, that the emissions were actually less than those upon which the fee was based, or the Excess Emissions Fee calculations are otherwise incorrect, a pro rata refund shall be made.

(i) If the adjusted Excess Emissions Fee is less than the Minimum Excess Emission Fee then the applicant or petitioner shall pay the higher amount, unless otherwise ordered by the Hearing Board.

(2) Discretionary Powers

(a) Any person may allege that payment of any of the fees within this rule, excluding publication fees, will cause an unreasonable hardship, and may be excused from payment of such fees or a portion of such fees, by order of the Hearing Board if the Hearing Board, in its discretion, determines after hearing evidence thereon that payment of such fees would cause financial or other unreasonable hardship to the applicant or petitioner.

(3) Emission Fee Refund

(a) In the event that the petition is withdrawn or the hearing is not held for any other reason, or the variance is denied, the applicant or petitioner shall be entitled to a full refund of the emission fees.

(4) Fee Payment

(a) Filing Fees are due upon the filing of the petition.

(b) Daily Appearance Fees and Publication Fees and Transcript are due and payable within fifteen (15) days of notification of the amount due. Petitioners shall be notified in writing of the amount due.

(c) Excess Emissions Fees, Excess Visible Emissions Fees and Minimum Excess Emissions Fees as calculated on the petition, or ordered by the Hearing Board at the variance hearing, are due and payable within fifteen (15) days of notification of calculation and amount of such fee. Applicants or petitioners shall be notified in writing of the calculation and the amount due.

(d) Adjustments increasing the amount of the Excess Emissions Fee, Excess Visible Emission Fee or Minimum Excess Emission Fee, following District staff's verification of the emissions are due and payable within fifteen (15) days of notification of the amount due. Petitioners shall be notified in writing of the amount due.

(e) Notification may be given by personal service or by deposit in the First Class mail and shall be considered effective upon the date of personal service or five (5) days from the date of mailing.

(f) For the purpose of this rule, the fee payment shall be considered to be received by the District if it is postmarked by the United States Postal Service on or before the expiration date stated on the billing notice. If the expiration date falls on a Saturday, Sunday, or a state holiday, the fee payment may be postmarked on the next business day following the Saturday, Sunday, or the state holiday with the same effect as if it had been postmarked on the expiration date.

(g) Invalidation for Failure to Pay Fees

(i) Failure to pay any fee when due shall automatically invalidate the variance.

(h) Request for Time Extension of Payment Due

(i) Whenever this rule requires fees to be paid by a certain date, in order to avoid invalidation of a variance or refusal of acceptance of other petitions, the applicant or petitioner may, for good cause, request the APCO to grant an extension of time, not to exceed ninety (90) days, within which the fees shall be paid. Any request for extension of time shall be presented in writing, and accompanied by a statement of reasons why the extension should be granted.

(i) The Hearing Board, upon good cause shown, may authorize incremental payments of Excess Emission Fees, Excess Visible Emission Fees or Minimum Excess Emission Fees.

(j) Service Charge for Returned Check

(i) Any person who submits a check to the District on insufficient funds or on instructions to stop payment on the check, absent an overcharge or other legal entitlement to withhold payment, shall be subject to a $25.00 service charge.

(5) Filing Fee Refunds

(a) The Filing Fee or a portion of the Filing Fee may be refunded to the petitioner in the following circumstances:

(i) When the Hearing Board reverses the decision of the APCO in an appeal from denial or a conditional approval of a Authority to Construct or a Permit to Operate.

(ii) When the petition is withdrawn, and the applicant or petitioner notifies the Hearing Board in writing not less than four (4) days prior to the scheduled appearance, or the hearing is not held for any other reason, the applicant or petitioner shall be entitled to a refund of fifty percent (50%) of the filing fee.

(6) Waiver of Fees

(a) All fees associated with this rule shall be waived for any petition for a variance filed as the result of any event declared to be a “state of emergency” by the local, state, or federal authorities.

TABLE I

SCHEDULE OF EXCESS EMISSIONS FEES

AIR CONTAMINANT	DOLLARS PER TON
Total organic gases, except those containing sulfur	$110.00
Carbon monoxide	$2.00
Oxides of nitrogen (expressed as nitrogen dioxide)	$110.00
Oxides of sulfur (expressed as sulfur dioxide)	$110.00
Particulate matter	$110.00

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TABLE II

SCHEDULE OF EXCESS VISIBLE EMISSION FEE

For each source with opacity emissions in excess of twenty (20) percent, the allowable limit set forth in District Rule 401, or Section 41701 of the State Health and Safety Code, the fee is calculated as follows:

DISTRICT RULE 401

$$Fee = (Opacity^{*}\ equivalent - 20) \times number\ of\ days\ allowed\ by\ variance \times \$3.00$$

HEALTH AND SAFETY CODE SECTION 41701

$$Fee = (Opacity^{*}\ equivalent - 40) \times number\ of\ days\ allowed\ by\ variance \times \$3.00$$

*Where "Opacity" equals maximum opacity of emissions, in percent of equivalent opacity in terms of Ringelmann numbers, allowed by the variance.

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Mojave Desert
Air Quality Management District

Final

Staff Report
Regulation III – Fees

Proposed
Amendments to
Rule 301 – *Permit Fees*
Rule 302 – *Other Fees*
Rule 303 – *Hearing Board Fees*
and Adoption of
Rule 300 – *Delinquency Penalty*

For amendment on
August 27, 2018

14306 PARK AVE, VICTORVILLE, CA 92392-2310
PHONE: (760) 245-1661
FAX: (760) 245-2699

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STAFF REPORT
TABLE OF CONTENTS
Regulation III – *Fees*

I. PURPOSE OF STAFF REPORT 1
II. EXECUTIVE SUMMARY 1
III. STAFF RECOMMENDATION 2
IV. LEGAL REQUIREMENTS CHECKLIST 3
V. DISCUSSION OF LEGAL REQUIREMENTS 4
A. REQUIRED ELEMENTS/FINDINGS 4
1. State Findings Required for Adoption of Rules & Regulations 4
a. Necessity 4
b. Authority 4
c. Clarity 5
d. Consistency 5
e. Non-duplication 5
f. Reference 5
g. Public Notice & Comment, Public Hearing 6
2. Federal Elements (SIP Submittals, Other Federal Submittals) 6
B. WRITTEN ANALYSIS OF EXISTING REQUIREMENTS 6
C. ECONOMIC ANALYSIS 6
1. General 6
2. Economic Analysis for Rule 301 – *Permit Fees* 7
3. Economic Analysis for Rule 302 – *Other Fees* 7
4. Economic Analysis for Rule 303 – *Hearing Board Fees* 8
5. Economic Analysis for Rule 300 – *Delinquency Penalty* 8
5. Incremental Cost Effectiveness 9
D. ENVIRONMENTAL ANALYSIS (CEQA) 9
E. SUPPLEMENTAL ENVIRONMENTAL ANALYSIS 9
1. Potential Environmental Impacts 9
2. Mitigation of Impacts 9
3. Alternative Methods of Compliance 9
F. PUBLIC REVIEW 10
VI. TECHNICAL DISCUSSION 10
A. Source Description 10
B. EMISSIONS 10
C. CONTROL REQUIREMENTS 10
D. PROPOSED RULE SUMMARY 10
1. MD Rule 301 – *Permit Fees* 10
2. MD Rule 302 – *Other Fees* 11
3. MD Rule 303 – *Hearing Board Fees* 12
4. MD Rule 300 – *Delinquency Penalty* 12
E. RULE HISTORY 12
F. HISTORICAL FINANCIAL BACKGROUND 13
1. Financial Background for Rule 301 – *Permit Fees* 13

2. Financial Background for Rule 302 – *Other Fees* 16
3. Financial Background for Rule 303 – *Hearing Board Fees* 16
4. Financial Background for Rule 300 – *Delinquency Penalty* 17
G. PROPOSITION 26 ANALYSIS 17
1. Justification for Fee Adjustment to Rule 301 – *Permit Fees* 17
2. Justification for Fee Adjustment to Rule 302 – *Other Fees* 18
3. Justification for Fee Adjustment to Rule 303 – *Hearing Board Fees* 18
4. Justification for Addition of Rule 300 – *Delinquency Penalty* 20
Appendix A - Iterated Version A-1
Appendix B - Public Notice Documents B-1
Appendix C - Public Comments and Responses C-1
Appendix D - California Environmental Quality Act Documentation D-1
Appendix E - Bibliography E-1
Appendix F - Cost Analysis F-1

Abbreviations and Acronyms

ATC	Authority to Construct
AVAQMD	Antelope Valley Air Quality Management District
BACT	Best Available Control Technology
BARCT	Best Available Retrofit Control Technology
CARB	California Air Resources Board
CCAA	California Clean Air Act
CCR	California Code of Regulations
CEQA	California Environmental Quality Act
CPI	Consumer Price Index
CTG	Control Techniques Guideline
CFR	Code of Federal Regulations
FCAA	Federal Clean Air Act
FND	Federal Negative Declaration
H&S Code	California Health and Safety Code
FONA	Federal Ozone Non-attainment Area
MDAB	Mojave Desert Air Basin
MDAQMD	Mojave Desert Air Quality Management District
NAAQS	National Ambient Air Quality Standard
NO_X	Oxides of Nitrogen
O_3	Ozone
PTO	Permit to Operate
RACT	Reasonably Available Control Technology
SBCAPCD	San Bernardino County Air Pollution Control District
SCAQMD	South Coast Air Quality Management District
SIP	State Implementation Plan
USEPA	United States Environmental Protection Agency
VOC	Volatile Organic Compounds

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STAFF REPORT
Regulation III – *Fees*

I. PURPOSE OF STAFF REPORT

A staff report serves several discrete purposes. Its primary purpose is to provide a summary and background material to the members of the Governing Board. This allows the members of the Governing Board to be fully informed before making any required decision. It also provides the documentation necessary for the Governing Board to make any findings, which are required by law to be made prior to the approval or adoption of a document. In addition, a staff report ensures that the correct procedures and proper documentation for approval or adoption of a document have been performed. Finally, the staff report provides evidence for defense against legal challenges regarding the propriety of the approval or adoption of the document.

II. EXECUTIVE SUMMARY

On 07/01/93 the Mojave Desert Air Quality Management District (MDAQMD) was created by statute and assumed all the air pollution control responsibilities the San Bernardino County Air Pollution Control District (SBCAPCD). The rules in effect at that time remained in effect until such time as the Governing Board of the MDAQMD officially changed them. The MDAQMD Governing Board, at its very first meeting, reaffirmed all the rules and regulations of the SBCAPCD. Some of the rules contained in Regulation III – *Fees* have been subsequently amended, consolidated and rescinded.

The following rules of Regulation III are proposed for adoption or amendment:

- Amend Rule 301 – *Permit Fees* (last amended 06/26/17) to adjust fees five percent (5%) and make minor changes for clarification and consistency.
- Amend Rule 302 – *Other Fees* (last amended 06/26/17) to adjust fees by five percent (5%) and make minor changes for clarification and consistency.
- Amend Rule 303 – *Hearing Board Fees* (last amended 06/26/17) to adjust fees by five percent (5%) and make minor corrections for clarification.
- Adopt Rule 300 – *Delinquency Penalty* to encourage timely payments of fees.

Rules 301, 302, and 303 are proposed for amendment to ensure that the costs are aligned with the reasonable regulatory costs of the programs they support. The proposed five percent (5%) fee adjustment to Rules 301, 302, and 303 are designed to recover the rising costs associated with issuing licenses and permits, performing investigations, inspections, and audits, and the administrative enforcement and adjudication thereof. Rule 300 is proposed for adoption to impose a penalty to encourage timely payment of fees and to recover recurring costs associated with delinquent fees and delinquency cases.

Public hearings on the budget, the proposed fee adjustment to Rules 301, 302 and 303 as well as the proposed adoption of Rule 300 will be held on 06/11/2018 and will be continued to 06/25/2018 to receive comment from members of industry and the general public. The proposed amendments to Rules 301, 302, and 303, as well as the proposed adoption of Rule 300, will be

made available for public comments, and appropriate notice were published on or about 05/11/2018 in compliance with the 30-day notice and comment period requirement.

To allow time to implement the proposed fee changes in the computerized billing system, Rule 301 is proposed to be effective on 01/01/2019, while Rules 300, 302, and 303 are effective upon adoption.

On 07/23/2018 the Governing Board amended Rules 301, 302, and 303 and adopted Rule 300 in an action identical to the one proposed today. However, due to inadvertent failure of newspaper publication, the proposed changes needs to be re-adopted to properly comply with provisions of Health & Safety Code §40725.

III. STAFF RECOMMENDATION

Staff recommends that the Governing Board of the Mojave Desert Air Quality Management District amend Rule 301 – *Permit Fees*, Rule 302 – *Other Fees*, and Rule 303 – *Hearing Board Fees*, adopt Rule 300 – *Delinquency Penalty* and approve the appropriate California Environmental Quality Act (CEQA) documentation.

IV. LEGAL REQUIREMENTS CHECKLIST

The findings and analysis as indicated below are required for the procedurally correct amendment of Regulation III – *Fees* rules. Each item is discussed, if applicable, in Section V. Copies of related documents are included in the appropriate appendices.

FINDINGS REQUIRED FOR RULES & REGULATIONS:

X Necessity

X Authority

X Clarity

X Consistency

X Non-duplication

X Reference

X Public Notice & Comment

X Public Hearing

REQUIREMENTS FOR STATE IMPLEMENTATION PLAN SUBMISSION (SIP):

N/A Public Notice & Comment

N/A Availability of Document

N/A Notice to Specified Entities (State, Air Districts, USEPA, Other States)

N/A Public Hearing

N/A Legal Authority to adopt and implement the document.

N/A Applicable State laws and regulations were followed.

ELEMENTS OF A FEDERAL SUBMISSION:

N/A Elements as set forth in applicable Federal law or regulations.

CALIFORNIA ENVIRONMENTAL QUALITY ACT REQUIREMENTS (CEQA):

N/A Ministerial Action

X Exemption

N/A Negative Declaration

N/A Environmental Impact Report

X Appropriate findings, if necessary.

X Public Notice & Comment

SUPPLEMENTAL ENVIRONMENTAL ANALYSIS (RULES & REGULATIONS ONLY):

X Environmental impacts of compliance.

N/A Mitigation of impacts.

N/A Alternative methods of compliance.

OTHER:

N/A Written analysis of existing air pollution control requirements

X Economic Analysis

X Public Review

V. DISCUSSION OF LEGAL REQUIREMENTS

A. REQUIRED ELEMENTS/FINDINGS

This section discusses the State of California statutory requirements that apply to the proposed amendment of Regulation III. These are actions that need to be performed and/or information that must be provided in order to amend the rules in a procedurally correct manner.

1. State Findings Required for Adoption of Rules & Regulations:

Before adopting, amending, or repealing a rule or regulation, the Governing Board of the MDAQMD is required to make findings of necessity, authority, clarity, consistency, non-duplication, and reference based upon relevant information presented at the hearing. The information below is provided to assist the Governing Board in making these findings.

a. Necessity:

Rules 301, 302, and 303 are proposed for amendment to adjust fees by five percent (5%) to recover the rising costs associated with issuing licenses and permits, performing investigations, inspections, and audits, and the administrative enforcement and adjudication thereof. Regular adjustments to fees in response to rising costs serve to minimize potentially dramatic future fee increases because incremental and periodic changes were not regularly implemented.

Rule 300 is proposed for adoption with the intent to encourage timely payment of fees when due.

b. Authority:

The District has the authority pursuant to California Health and Safety Code (H&S Code) §40702 to adopt, amend, or repeal rules and regulations. The MDAQMD also has the authority to adopt and amend annual fees for the evaluation, issuance, and renewal of permits (H&S Code §§41240, 41330, 41512.7, 40711(a), 42310.5, 42311, and 42311.2), Hearing Board activities (H&S Code §§40864, 42311, and 42364), enforcement, inspections and air monitoring (H&S Code §§41240, 41330, 40701, 40715, 41512, 41512.5, 42311, 42311.2, 42707, and 42400 et seq.), planning and rule development (H&S Code §§41240,41330, 41512.7,40727.2, and 42311), registration and inspection of portable equipment (H&S Code §41752 and 13 CCR 2461), public records act compliance (Government Code 6253), and toxic “Hot Spots” (H&S Code §§44344.4, 44380, 44381, and 17 CCR 90703).

c. Clarity:

The proposed amendments to Regulation III are clear in that they are written so that the persons subject to the rules can easily understand the meaning. Applications of Regulation III are as follows:

- Rule 301 applies to any person or organization applying for and/or holding an MDAQMD Authority to Construct (ATC) or Permit to Operate (PTO).

- Rule 302 applies to any person or organization subject to other fees.

- Rule 303 applies to any applicant or petitioner in a proceeding before the Hearing Board.

- Rule 300 applies to any person or organization subject to delinquent or overdue fees.

The proposed amendments to Rules 301, 302, and 303 have been developed to adjust fees by five percent (5%) to recover the rising costs associated with issuing licenses and permits, performing investigations, inspections, and audits, and the administrative enforcement and adjudication thereof, and to increase clarity for each of the affected groups.

d. Consistency:

The proposed actions regarding Regulation III are in harmony with, and not in conflict with or contradictory to, any state law or regulation, federal law or regulation, or court decisions because these laws and regulations allow for the proposed amendments to the fee rules.

e. Non-duplication:

The proposed actions regarding Regulation III do not impose the same requirements as any existing state or federal law or regulation because H&S Code §40702 allows the District to adopt, amend, or repeal rules and regulations, and H&S Code §42311 and various other sections merely authorize the imposition of such fees but do not specify the types and amounts of fees to be imposed.

f. Reference:

The District has the authority pursuant to H&S Code §40702 to adopt, amend, or repeal rules and regulations and the authority pursuant to H&S Code §42311 and various other sections to adopt a schedule of fees.

g. Public Notice & Comment, Public Hearing:

Notice for the public hearing for the proposed actions regarding Regulation III were published on or about 07/24/18 for the 08/27/18 Governing Board meetings. See Appendix "B" for a copy of the public notice. See Appendix "C" for copies of comments, if any, and District responses.

2. Federal Elements (SIP Submittals, Other Federal Submittals).

Submittals to United States Environmental Protection Agency (USEPA) are required to include various elements depending upon the type of document submitted and the underlying federal law that requires the submittal. Regulation III is a fee regulation and does not ordinarily require submission to USEPA. Various prior versions of Rule 301 were previously included in the State Implementation Plan (SIP) however USEPA removed this rule from the SIP on 01/18/02 (67 FR 2573; 40 CFR 52.220(c)(39)(iv)(C)). Rules 302 and 303 were also previously included in the SIP and removed by USEPA on 11/16/02 (69 FR 67062; 40 CFR 52.220(c)(127)(vii)(I). Therefore, these rules, along with Rule 300, are not required to be federally submitted.

B. WRITTEN ANALYSIS OF EXISTING REQUIREMENTS

H&S Code §40727.2 requires air districts to prepare a written analysis of all existing federal air pollution control requirements that apply to the same equipment or source type as the rule proposed for modification by the district. The proposed amendments to Regulation III only modify fees and provide minor clarification. These proposed amendments do not in themselves impose air pollution control requirements. Therefore, the preparation of a written analysis of existing pollution control requirements that apply to the same equipment or source type is not required.

C. ECONOMIC ANALYSIS

1. General.

Fees are a primary revenue source that supports the District's efforts to implement and enforce the provisions of the Federal Clean Air Act (FCAA), the California Clean Air Act (CCAA), and District rules and regulations. Permit fee schedules reflect the expenditure required to provide analysis of applications, inspections of the regulated community, tracking the inventory of pollutants produced by the regulated industry, and enforcement of federal, state, and local mandates regarding air pollution among other mandatory District functions. The fee increase has also been implemented in response to Federal Fiscal Year Budgets, especially with steep decreases in EPA's funding for the Fiscal Year 2019 budget.

2. Economic Analysis for Rule 301 – *Permit Fees*.

Staff is recommending adjustment to Rule 301 to recover the rising costs associated with issuing licenses and permits, performing investigations, inspections, and audits, and the administrative enforcement and adjudication thereof. Regular adjustments to fees in response to rising costs, serves to minimize potentially dramatic future fee increases because incremental and periodic changes were not regularly implemented.

The proposed amendments to Rule 301 provide for an overall increase of five percent (5%) in the costs of most permit related fees. The proposed five percent (5%) permit fee adjustment is projected to result in an overall added cost to industry of $218,000.00. This cost increase is based on FY 2018 application and operating permit fee revenues.

The Permit Fee Amount Increase table below presents the current permit fees of several typical facilities, and the amount that the fee will increase based on the staff recommendation.

Permit Fee Amount Increase		
Typical Facility	Current average permit fee	Recommended 5% increase
Spray Booth	$ 307.63	$ 15.38
Emergency Generator	$ 307.63	$ 15.38
Gas Station	$ 1,188.95	$ 59.45
Engine	$ 2,063.50	$ 103.175
Batch Plant	$ 13,809.97	$ 690.50
Title V Facility	$ 23,241.08	$ 1,162.05
Large Source	$ 184,684.50	$ 9,234.23

Due to increased efficiency caused by the computerization of District permitting functions, many standard permit issuances and modifications are performed in a minimal staff time. Generally, permitting activities which exceed two (2) hours of staff time are unique or otherwise complex and require a large amount of employee effort. The District is therefore proposing to change the trigger level for the imposition of the Complex Source Evaluation Fee from twenty-four (24) hours of staff time to two (2) hours of staff time. This change will ensure that the District properly recovers analysis costs for complex, unique, and/or other difficult permitting issues. It is expected that the majority of permit applications will not reach this trigger level due to permit program automation.

3. Economic Analysis for Rule 302 – *Other Fees*.

The proposed amendments to Rule 302 includes a five percent (5%) increase in fees to recover the rising costs associated with issuing licenses and permits,

performing investigations, inspections, and audits, and the administrative enforcement and adjudication thereof. The hourly labor rate has been standardized to the hourly labor rate in Rule 301 for consistency. Hourly charges for some services are only imposed after a certain minimum amount of staff time has already been expended. For such fees the minimum amount of staff time is proposed to decrease from ten (10) hours of staff time to two (2) hours of staff time. This amount has been set such that a majority of the persons subject to such fee will not be subject to an hourly charge but will still allow the District to recover staff analysis costs incurred in those situations where additional time over and above the amount of staff time included in the base fee is necessary to complete the analysis or evaluation. For the other fees containing hourly charges, these fees are rarely if ever, charged. Thus, it is expected that the economic impact of such fees will be minimal. Specific fees for submission, inspection, resubmission, and additional site inspection are proposed in lieu of an hourly charge for review, inspection, and analysis of Dust Control Plans. The proposed fee amounts are based upon the estimated average staff time spent performing such activities.

4. Economic Analysis for Rule 303 – *Hearing Board Fees*.

Hearing Board Fees are only imposed upon those persons requiring the services of the Hearing Board, specifically those challenging a permit issuance and those requesting a variance. The proposed adjustment to Rule 303 includes a five percent (5%) increase designed to better reflect the actual labor costs involved in the variance process.

5. Economic Analysis for Rule 300 – *Delinquency Penalty.*

Staff is recommending adoption of Rule 300 to encourage the timely payment of fees when due and to recover recurring costs associated with delinquent fees and delinquency cases. The adoption of Rule 300 would set a penalty on District Fees imposed pursuant to District Rule 301, District Rule 302, and District Rule 303 of fifty percent (50%) if the fees are not paid on time to the responsible persons or organizations.

Since 1997 when the prior Rule 300 – *Late Fee Penalties* was rescinded delinquent permit fees have been slowly increasing over time. Currently the monthly number of delinquent fee invoices is averaging 15 to 20 invoices per month. It takes a minimum of three (3) hours of staff time to process a delinquency. Such processing includes production and mailing of a delinquent letter and duplicate invoice, inspector follow-up with the facility in question, as well as basic enforcement activities. If additional enforcement methods are necessary the costs to the District increase exponentially especially if legal enforcement methods are necessary. Since the penalty will only be imposed when fees are not paid in full by their invoiced due date and there is a provision allowing those with financial hardship or other issues to apply for a waiver of the

penalty it is expected that the economic impact will be minimal for most fee payers.

6. Incremental Cost Effectiveness.

Pursuant to H&S Code §40920.6, incremental cost effectiveness calculations are required for rules and regulations which are adopted or amended to meet the California Clean Air Act requirements for Best Available Retrofit Control Technology (BARCT) or "all feasible measures" to control volatile compounds, oxides of nitrogen, or oxides of sulfur. The proposed actions regarding Regulation III – *Fees* affects fees and rule structure, and therefore does not require this analysis.

D. ENVIRONMENTAL ANALYSIS (CEQA)

1. Through the process described below the appropriate CEQA process for the proposed amendment of Regulation III were determined.

a. The proposed actions regarding Regulation III meet the CEQA definition of "project". They are not "ministerial" actions.

b. The proposed actions regarding Regulation III are exempt from CEQA review. There is no potential that the amendments might cause the release of additional air contaminants or create any adverse environmental impacts because the proposed amendments only adjusts fees, makes minor format corrections, and provides clarification. Therefore, a Class 8 categorical exemption (14 Cal. Code Reg. §15308) applies. Copies of the documents relating to CEQA can be found in Appendix "D".

E. SUPPLEMENTAL ENVIRONMENTAL ANALYSIS

1. Potential Environmental Impacts

The proposed actions regarding Regulation III do not have any potential environmental impacts because the amendments merely adjust fees, make minor format corrections, and provide clarification. The amendments do not have any impact upon emissions of air contaminants.

2. Mitigation of Impacts

N/A

3. Alternative Methods of Compliance

N/A

F. PUBLIC REVIEW

See Staff Report Section (V)(A)(1)(g) and Appendix "B"

VI. TECHNICAL DISCUSSION

A. SOURCE DESCRIPTION

The proposed actions regarding Regulation III – *Fees* will affect any person subject to the particular fees. Permit holders and applicants will be subject to the proposed amendments of Rule 301 – *Permit Fees*. Persons subject to Rule 302 – *Other Fees* include those requiring an analysis of emissions or materials; persons submitting asbestos demolition/renovation notices; facilities which are asbestos disposal sites; certificate of occupancy applicants where the application requires more than one (1) hour of review; persons applying for issuance, transfer or encumbrance of Emission Reduction Credits; Facilities requiring review of Monitoring Devices; Persons needing the review and approval of certain types of plans; persons requesting specific publications and those subject to certain state mandated fees. Persons applying for a variance or challenging a permit issuance decision before the Hearing Board will be subject to the proposed amendments to Rule 303 – *Hearing Board Fees*. Persons or organizations with overdue fees will be subject to the proposed adoption of Rule 300 – *Delinquency Penalty*.

B. EMISSIONS

The proposed actions regarding Regulation III adjust fees, make minor format corrections, provides clarification, and thus do not have an impact on emissions.

C. CONTROL REQUIREMENTS

The proposed actions regarding Regulation III adjusts fees, makes minor format corrections, provides clarification, and thus do not impose any new or additional control requirements.

D. PROPOSED RULE SUMMARY

This section gives a brief overview of the proposed actions regarding Regulation III. Only a brief summary of each section is included. Readers are encouraged to examine the *[bracketed and italicized]* notations contained in the iterated version of the rule contained in Appendix "A" for notations regarding movement and modification of specific sections and subsections.

1. MDAQMD Rule 301 – *Permit Fees*

Rule 301 – *Permit Fees*, includes a five percent (5%) increase in most fees to recover the rising costs associated with various permit activities required pursuant to the provisions of Regulation II – *Permits* and Regulation XIII – *New Source Review*.

Minor formatting and language changes have been incorporated for consistency and clarification within the rule, and are not individually identified when the meaning or intent is clear.

(A)(4)(a) – This subsection is amended to provide an effective date of 01/01/2019 to the most current proposed amendments.

(C)(1)(a) – A fee adjustment of five percent (5%) and rounded to the nearest dollar is added to the application filing fee.

(C)(1)(e) – This subsection is added to define District policy regarding Filing Fees towards applications for temporary permits.

(C)(2)(a)(ix) – The subsection is amended to adjust the trigger level for imposition the Complex Source Evaluation Fee from twenty-four (24) hours of District staff time to two (2) hours spent on project evaluation.

(C)(2)(c)(i) – A fee adjustment of five percent (5%) is added to the labor rate.

(C)(6)(b)(i) – A fee adjustment of five percent (5%) and rounded to the nearest dollar is added to the change of ownership fee.

(C)(9)(b) – A fee adjustment of five percent (5%) and rounded to the nearest dollar is added to the signed duplicate or corrected permit fee.

(C)(12)(a) – This subsection is added to define District policy regarding assessment of fees for temporary permits.

(E) – A fee adjustment increases all fees in this section five percent (5%).

(E)(11) – This subsection is amended to include landfills subject to 40 CFR Subpart XXX.

2. MDAQMD Rule 302 – *Other Fees*

Rule 302 – *Other Fees*, includes a five percent (5%) increase in most fees to recover the rising costs associated with various activities, documents and services, including but not limited to, provision of publications, performing analysis, filing, evaluation and enforcement of plans and state mandated fees. The hourly labor rate has been standardized to the hourly labor rate in Rule 301 for consistency.

Minor formatting and language changes have been incorporated for consistency and clarification within the rule, and are not individually identified when the meaning or intent is clear.

(C)(1)(f) – This subsection is amended to adjust the trigger level for hourly billing from ten (10) hours to two (2) hours of District staff time spent towards Plan or Report analyses.

(E) – A fee adjustment increases all fees in this section five percent (5%).

(F) – A fee adjustment increases all fees in this section five percent (5%).

(G) – A fee adjustment increases all fees in this section five percent (5%).

(H) – A fee adjustment increases all fees in this section five percent (5%).

(H)(1)(a) – This subsection is amended to adjust the trigger level for hourly billing from (10) hours of staff time to two (2) hours of District staff time spent towards ERC application analyses.

(J) – A fee adjustment increases all fees in this section five percent (5%).

(J)(1)(a) – This subsection is amended to adjust the trigger level for hourly billing from ten (10) hours to two (2) hours of District staff time spent towards Air Toxics Plan or Report documentation review and approval.

(J)(2) – This subsection is amended to revise District fee policies regarding planning, reporting, and assessment of Dust Control Plans. A specific fee amount has been established for Dust Control Plan submission, inspection, resubmission and for subsequent site inspections due to complaints.

(J)(3)(a) – This subsection is amended to adjust the trigger level for hourly billing from ten (10) hours to two(2) hours of District staff time spent towards Source Test Protocol or Source Test Report documentation review and approval.

3. MDAQMD Rule 303 – *Hearing Board Fees*

The amendment of Rule 303 includes a five percent (5%) increase in fees associated with various procedures brought before the Hearing Board.

Minor formatting and language changes have been incorporated for consistency and clarification within the rule, and are not individually identified when the meaning or intent is clear.

4. MDAQMD Rule 300 – *Delinquency Penalty*

Rule 300 – Delinquency Penalty defines District authority regarding the penalty applied to persons or organizations whose respective fees are not paid by the due date as established by the applicable provisions of District Regulation III.

E. RULE HISTORY

On 07/01/93 the Mojave Desert Air Quality Management District (MDAQMD) was formed pursuant to statute. Pursuant to statute it also retained all the rules and regulations of the SBCAPCD until such time as the Governing Board of the MDAQMD wished to adopt, amend or rescind such rules. The MDAQMD Governing Board, at its

very first meeting, reaffirmed all the rules and regulations of the SBCAPCD. The following rules are contained in Regulation III – *Fees*, and are proposed for amendment. A brief history of each rule proposed for amendment follows.

The version of Rule 301 – *Permit Fees* as amended on 01/01/90 was the rule in effect at this time. Rule 301 has been subsequently amended 10/23/94, 03/24/97, 09/28/98, 06/26/00, 09/23/02, 08/23/04, 06/27/05, 10/23/06, 06/25/07, 06/23/08, 06/28/10, 08/22/11, 06/25/12, 06/24/13, 06/23/14, 06/22/15, 06/27/16, and 06/26/17. The 06/26/17 version is the current version in the MDAQMD rulebook. In order to maintain the MDAQMD's sound financial standing, staff recommends the current proposed amendments to Rule 301 to adjust fees in the amount of five percent (5%). The District seeks to meet the need to recover the rising costs associated with issuing licenses and permits, performing investigations, inspections, and audits, and the administrative enforcement and adjudication thereof. Regular adjustments to fees in response to rising costs, serves to minimize potentially dramatic future fee increases because incremental and periodic changes were not regularly implemented.

Rule 302 – *Other Fees* was originally adopted on 11/20/89. On 06/22/15 Rule 302 was reorganized, and various other fees from Regulation III (Rules 304, 305, 306, 307, 308, 311 and 313) were consolidated into a single rule. Rule 302 has been subsequently amended 06/27/16 and 06/26/17. The 06/26/17 version is the current version in the MDAQMD rulebook. The proposed amendment includes a five percent (5%) increase in most fees to recover the rising costs associated with issuing licenses and permits, performing investigations, inspections, and audits, and the administrative enforcement and adjudication thereof.

Rule 303 – *Hearing Board Fees* was adopted 11/20/89, and subsequently amended 06/22/15, 06/27/16, and 06/26/17. The 06/26/17 version is the current version in the MDAQMD rulebook. Rule 303 is currently proposed to include a five percent (5%) increase in fees to recover the rising costs associated with various procedures brought before the Hearing Board.

Former Rule 300 –*Late Fee Penalties* was originally adopted on 1/1/1990 was subsequently amended on 10/20/1989 and was eventually rescinded 01/29/1997. Rule 300 – *Delinquent Penalty* is proposed to be re-introduced into the MDAQMD rulebook.

On 07/23/18 the Governing Board amended Rules 301, 302, and 303 and adopted Rule 300 in an action identical to the one proposed today. However, due to an inadvertent failure of newspaper publication, the proposed changes to Regulation III was re-adopted to properly comply with the provisions of the Health & Safety Code §40725.

F. HISTORICAL FINANCIAL BACKGROUND

1. Financial Background for Rule 301 – *Permit Fees*

The MDAQMD was formed in 1993 by an act of the Legislature to assume the duties of the former San Bernardino County Air Pollution Control District. The MDAQMD also assumed all the property and assets of the former district. In

addition, for the first 2 years the district utilized 100 percent of the available motor vehicle fee funding (AB2766 funds) and reserves to cover operations and formation expenses. On 10/23/94 the Governing Board amended Rule 301 to add a one-time 7.44 percent fee surcharge on permit fees to provide additional funding to cover district formation costs. This surcharge expired in October 1995.

In fiscal year 1995/1996 the Governing Board established an allocation program for the AB2766 funds such that 50 percent of the funding was utilized by the District, 25 percent was passed through to the cities and 25 percent was used to fund a competitive grant program for transportation and mobile source related projects. During that fiscal year staff began to focus on technology and automation improvements as one method to control costs. To this end an internal accounting system was implemented and the development of a permit billing system that was separate from the County of San Bernardino was commenced. Discretionary spending was also substantially curtailed. On 03/24/97 the Governing Board amended Rule 301 to remove the expired surcharge and to eliminate fees for late payments. Many air districts utilize such late fees as a deterrent and gain substantial revenue in the process. Until the adoption of Rule 300, the MDAQMD is the only air district that does not charge this type of fee. Despite gains in efficiency due to automation and a decrease in spending, by the end of Fiscal Year 1996/1997 the MDAQMD's books were closed with a deficit of $196,000, there were no reserves and revenue was declining.

The Governing Board adopted an austerity budget for fiscal year 1997/1998. In July of 1997 the MDAQMD obtained a contract for provision of services to the newly formed Antelope Valley Air Pollution Control District (AVAPCD). The services were provided to AVAPCD with a moderate surcharge on staff labor and a contract management fee. In June of 1998 the MDAQMD took the drastic step of reducing 6 positions for an approximate savings of $210,000. In addition, the permit billing system was put on line further improving automation and resulting in additional cost savings.

In fiscal year 1998/1999 the economy was improving and as a result revenue was increasing. The AVAPCD contract continued to provide a reliable source of revenue and funded 7 full time equivalent positions. On 09/28/98 the Governing Board amended Rule 301 to provide a five percent (5%) across the board adjustment in fees. It also reorganized the fee rule to incorporate the existing surcharges on application and annual permit fees into the fee amounts themselves for ease of use. Austerity measures remained in force and the MDAQMD began to rebuild cash reserves.

On 06/26/00 the Governing Board amended Rule 301 to provide a 2.8 percent CPI adjustment. This action also revised the fee calculation procedure for gas stations to reflect a technological change to gasoline dispensing units. A fee was also added to cover the costs of processing landfill permits that were required by Federal Law. There was no immediate revenue impact of the landfill fee,

however, because none of the active landfills within the District were required to install gas collection systems under the Federal regulation.

By fiscal year 2000/2001 the MDAQMD was again on sound financial footing. There was a $500,000 reserve. Staffing levels were stabilized as well as automation; careful monitoring of expenditures and the continuation of the AVAPCD (now Antelope Valley Air Quality Management District (AVAQMD)) contract enabled the MDAQMD to regain its financial health while maintaining a high quality of service to its permit holders. To ensure the continuation of this financial health, on 09/23/02 the Governing Board amended 301 to provide a 2.4 percent CPI adjustment effective on 11/01/02. On 08/23/04 the Governing Board further amended 301 to provide a 2.75 percent CPI adjustment effective 01/01/05. On 06/27/05 the Governing Board amended Rule 301 to provide a 3.5 percent CPI adjustment with an effective date of 01/01/06. On 10/23/06 the Governing Board amended Rule 301 to provide a 4.0 percent CPI adjustment with an effective date of 01/01/07. On 06/25/07 and effective 01/01/08, the Governing Board adjusted the fees 3.5 percent to reflect the change in the CPI. On 06/23/08 and effective 01/01/09; the Governing Board adjusted fees 3.1 percent to reflect the change in CPI. On 06/28/10 and effective 01/01/11; the Governing Board again adjusted fees 2.0 percent (rounded to the nearest whole percent) to reflect changes in the CPI. On 08/22/11 and effective 01/01/12 the Governing Board approved an amendment adjusting fees by 2.3 percent to reflect changes in the CPI. At the 08/22/11 Governing Board meeting, staff was given direction to request a 1.7 percent increase in the 2012 fee rule amendment, and a 2.0 percent increase through 2016. The District amended Rule 301 on 06/25/12 to include the 1.7 percent fee increase. Effective 01/01/2014, the District adopted a 2.0 percent fee increase per the 06/24/13 Rule 301 amendment. On 06/23/14 and effective 01/01/15 the Governing Board approved an amendment adjusting fees by 3.25 percent, and re-incorporating pass through language for permitting activity costs. On 06/22/15 and effective 01/01/16 the Governing Board approved an amendment adjusting fees by three percent (3%). On 06/27/16 and effective 01/01/17 the Governing Board approved an amendment adjusting fees by three percent (3%). On 06/26/17 and effective 01/01/18 the Governing Board approved an amendment adjusting fees by two percent (2%).

Upon reviewing District operating costs, the Budget Committee is recommending that a five percent (5%) fee adjustment will be adequate to recover the rising costs associated with issuing licenses and permits, performing investigations, inspections, and audits, and the administrative enforcement and adjudication thereof. In addition, a change to the trigger level for the imposition of the Complex Source Analysis Fee has been proposed to allow the District to properly recover analysis costs for complex, unique, and/or other difficult permitting issues. It is expected that the majority of permit applications will not reach this trigger level due to increase permitting function automation. Furthermore, the Budget Committee is recommending the addition of filing and annual permit fees for temporary permit applications as well as initial fees for temporary permits. Regular adjustments to fees and better cost recovery of staff analysis time in

complex cases serve to minimize potentially dramatic future fee increases because incremental and periodic changes were not regularly implemented. Amendments to Rule 301 are proposed to be effective on 01/01/19 to allow time for adjustment of the permit billing system.

2. Financial Background for Rule 302 – *Other Fees*

Rules 302, 304, 305, 306, 307, 308, 309, 310, 311 and 313 were consolidated into a single rule, Rule 302 – *Other Fees*, on 06/22/15. These rules, in general, had not been adjusted since the 1990's. The costs associated with the programs tied to these rules had been subsidized by other District revenue. On 06/27/16 the Governing Board approved an amendment to Rule 302 adjusting fees by three percent (3%). On 06/26/17 the Governing Board approved an amendment to Rule 302 adjusting fees by two percent (2%).

Upon reviewing District operating costs, the Budget Committee is recommending a five percent (5%) increase to recover the rising costs associated with issuing licenses and permits, performing investigations, inspections, and audits, and the administrative enforcement and adjudication thereof. Staff is proposing that the trigger levels for imposition of hourly billing in a variety of fees be dropped from ten (10) hours to two (2) hours to allow for better recovery of staff time in unusual and/or complex cases. Regular adjustments to fees and better cost recovery of District staff time serves to minimize potentially dramatic future fee increases because incremental and periodic changes were not regularly implemented. Amendments to Rule 302 are proposed to be effective upon adoption.

3. Financial Background for Rule 303 – *Hearing Board Fees*

The fees contained in Rule 303 had not been adjusted since 1989 and were originally based upon the anticipated costs of providing variance services at that time. It is unclear from the rule adoption record whether such services were in part subsidized by permit fee revenue. Over subsequent years other district revenue, primarily permit fee revenue, had been used to subsidize the costs for this program. On 06/27/16 the Governing Board approved an amendment to Rule 303 adjusting fees by three percent (3%). On 06/26/17 the Governing Board approved an amendment to Rule 302 adjusting fees by two percent (2%).

Upon reviewing District operating costs, the Budget Committee is recommending a five percent (5%) increase to recover the rising costs associated with various procedures brought before the Hearing Board. Regular adjustments to fees and billable exceeding hours of District staff time spent towards permit analyses in response to rising costs, serves to minimize potentially dramatic future fee increases because incremental and periodic changes were not regularly implemented. Amendments to Rule 303 will be adopted on 06/25/18 and effective upon adoption.

4. Financial Background for Rule 300 – *Delinquency Penalty*

Former Rule 300, titled *Late Fee Penalties*, was adopted 11/20/1989 then amended 01/01/1990, and eventually rescinded 01/29/1997. This new Rule 300 – Delinquency Penalty is proposed for adoption as an effort to encourage timely payment of fees. This is necessary due to a rising number of facilities which do not pay their fees by the due date. Upon reviewing District operating costs, the Budget Committee is recommending the implementation of Rule 300 to reduce the number of delinquent facilities. Rule 300 is proposed to be effective upon adoption..

G. PROPOSITION 26 ANALYSIS

On November 2, 2010 the California voters added Article XIIIC §1(e) to the California Constitution (commonly referred to as Proposition 26). This provision added a new definition of "tax" which resulted in a variety of fees and charges imposed by local governmental entities to be subject to voter approval. The provisions also provided several exceptions to this voter approval requirement including but not limited to:

> A charge imposed for a specific benefit conferred or privilege granted directly to the payer that is not provided to those not charged, and which does not exceed the reasonable costs to the local government of conferring the benefit or granting the privilege.
>
> A charge imposed for a specific government service or product provided directly to the payer that is not provided to those not charged, and which does not exceed the reasonable costs to the local government of providing the service or product.
>
> A charge imposed for the reasonable regulatory costs to a local government for issuing licenses and permits, performing investigations, inspections, and audits, enforcing agricultural marketing orders, and the administrative enforcement and adjudication thereof.

If a fee increase falls within one or more of these exceptions it is considered not a tax and thus not subject to voter approval

1. Justification for Fee Adjustment to Rule 301 – *Permit Fees*

In general, air district permit fees would fall under this exemption so long as they are reasonably related to the costs of issuance and enforcement of the permits. A similar requirement that air district fees be reasonably related to costs of district programs is found in Health & Safety Code §42311(a) and includes language indicating that a CPI adjustment is part of a measure of the reasonable increase in district costs. In addition, the California League of Cities in its April 2011

implementation guide for Prop 26[1] opined that a CPI increase is part of the reasonable regulatory cost of issuing a license or permits and thus does not need voter approval.

The proposed five percent (5%) fee increase constitutes only a portion of the total projected cost increases for fiscal year 2018/2019. The CPI for the Los Angeles/Riverside County between February 2017 and 2018 was 2.0 percent[2]. Costs for the personnel involved in the issuance, investigation, inspection, audit, and enforcement of permits and District rules and regulations are projected to increase 4.7 percent[3]. Therefore, the proposed fee adjustment is well within the provisions of Health & Safety Code §42311(a) and falls within the exemption found in Article XIIIC §1(e)(3) of the California Constitution.

2. Justification for Fee Adjustment to Rule 302 – *Other Fees*

Adjustments to the fees in proposed Rule 302 would constitute either a charge for a specific benefit (Cal Constitution Article XIII C (1)(e)(1)) or a charge for a specific service not provided to those not charged (Cal Constitution Article XIII C (1)(e)(2)). As such the fees charged for such activities should not exceed the reasonable cost of providing the benefit or service. Once again Health & Safety Code §§40727.2, 41240, 41512, 41512.5 41715, 42311 and 44380, among others, limits various fees to the costs of the underlying program.

The proposed five percent (5%) fee increase constitutes only a portion of the total projected cost increases for fiscal year 2018/2019. The CPI for the Los Angeles/Riverside County between February 2017 and 2018 was 2.0 percent[4]. Costs for the personnel involved in the issuance, investigation, inspection, audit, and enforcement of permits and District rules and regulations are projected to increase 4.7 percent[5]. Therefore, the proposed fee adjustment is well within the provisions of Health & Safety Code §42311(a) and falls within the exemption found in the California Constitution Article XIIIC §1(e)(1), (2) or (3) as a reasonable cost of providing the associated benefit or service.

3. Justification for Fee Adjustment to Rule 303 – *Hearing Board Fees*

The District Hearing Board is a five (5) member quasi-judicial body formed pursuant to the provisions of H&S Code §§40800 et seq. The members are appointed by the Governing Board of the District for three (3) year terms (H&S Code §§40800, 40804) and consist of a lawyer, a professional engineer, a member of the medical profession and two public members. The Hearing Board performs the following functions:

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[1] http://www.cacities.org/Resources-Documents/Policy-Advocacy-Section/Hot-Issues/Proposition-26-Implementation-Guide
[2] https://www.bls.gov/cpi/tables/supplemental-files/c-cpi-u-201802.pdf
[3] Includes both salary and benefit increases.
[4] https://www.bls.gov/cpi/tables/supplemental-files/c-cpi-u-201802.pdf
[5] Includes both salary and benefit increases.

Variances: A waiver of specific regulatory requirements for a limited period of time allowing a permitted facility to operate in violation of District Rules and Regulations under certain conditions while steps are taken to bring the facility into compliance.

Permit Appeals: A challenge to the Air Pollution Control Officer's (APCO) action regarding a particular permit. The APCO may suspend, deny issuance of or decline renew a permit for a variety of reasons. Such actions may be challenged as inappropriate before the Hearing Board. In addition, third parties may request that a permit be revoked or may alleged that a permit has been improperly issued. Such allegations are also heard by the Hearing Board.

Abatement Orders: A quasi-judicial proceeding brought by the APCO that may ultimately result in an order requiring a source of air contaminants to take particular actions or cease operations.

Fees for variance actions would constitute either a charge for a specific benefit (Cal Constitution Article XIII C (1)(e)(1)) or a charge for a specific service not provided to those not charged (Cal Constitution Article XIII C (1)(e)(2)). As such the fees charged for variance activities should not exceed the reasonable cost of providing the benefit or service. A similar requirement that Hearing Board fees cover reasonable costs of the Hearing Board is found in Health & Safety Code §§42311(h) and 42364.

Fees for permit appeals are in effect charges for the administrative enforcement of permits. Once again they are required to reflect the reasonably regulatory cost of such enforcement (Cal. Constitution Article XIII C (1)(e)(3); Health & Safety Code §§42311(h) and 42364). Permit appeals require many of the same activities and time commitments as those used in the preparation and hearing for variances. Excess emissions fees would not be applicable to these types of Hearing Board actions.

The proposed amended fees for variance actions includes a five percent (5%) increase to cover the rising costs associated with various procedures brought before the Hearing Board. The proposed five percent (5%) fee increase constitutes only a portion of the total projected cost increases for fiscal year 2018/2019. The CPI for the Los Angeles/Riverside County between February 2017 and 2018 was 2.0 percent[6]. Costs for the personnel involved in the issuance, investigation, inspection, audit, and enforcement of permits and District rules and regulations are projected to increase 4.7 percent[7]. Therefore, the proposed fee adjustment is well within the provisions of Health & Safety Code §42311(a) and falls within the exemption found in Article XIIIC §1(e)(3) of the California Constitution.

[6] https://www.bls.gov/cpi/tables/supplemental-files/c-cpi-u-201802.pdf
[7] Includes both salary and benefit increases.

Abatement actions do not require fees since they are brought directly by the APCO as an enforcement measure and would thus be funded in part by general permit fees pursuant to District Rule 301.

4. Justification for Adoption of Rule 300 – *Delinquency Penalty*

Proposed Rule 300 is technically a penalty based upon provisions of the Health & Safety Code §42402 it is thus not subject to the provisions of Proposition 26. However since it is designed to encourage the timely submissions of fees when due and to recover recurring costs associated with delinquent fees and delinquency cases the following justification is provided.

Since 1997 when the prior Rule 300 – *Late Fee Penalties* was rescinded the number of delinquent fees have been slowly increasing over time. Currently the monthly number of delinquent fee invoices is averaging 15 to 20 invoices per month. It takes a minimum of three (3) hours of staff time to process a delinquency. Such processing includes production and mailing of a delinquent letter and duplicate invoice, inspector follow up with the facility in question as well as basic enforcement activities. If additional enforcement methods are necessary the costs to the District increase exponentially especially if legal enforcement methods are necessary. The revenue gathered from this Rule should therefore not exceed the overall costs of the District's enforcement efforts to collect delinquent fees over all fees invoiced.

Appendix "A"

Regulation III - *Fees* Iterated Version

The iterated version is provided so that the changes to an existing rule may be easily found. The manner of differentiating text is as follows:

1. Underlined text identifies new or revised language.

2. ~~Lined out text~~ identifies language that is being deleted.

3. Normal text identifies the current language of the rule which will remain unchanged by the adoption of the proposed amendments.

4. *[Bracketed italicized text]* is explanatory material that is not part of the proposed language. It is removed once the proposed amendments are adopted.

Rule 300 – *Delinquent Penalty*
Rule 301 – *Permit Fees*
Rule 302 – *Other Fees*
Rule 303 – *Hearing Board Fees*

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Rule 300
Delinquency Penalty

(A) General

(1) Purpose

(a) The purpose of this rule is to encourage the timely payment of fees when due.

(2) Applicability

(a) This rule applies to the fees imposed pursuant to District Rule 301, District Rule 302, and District Rule 303.

(B) Requirements

(1) If the fee is not paid by the due date as established by the applicable provisions of District Regulation III or by any invoice produced pursuant to the procedures specified in the applicable District Rule, then the person subject to such fee shall be assessed a Delinquency Penalty in the amount of fifty percent (50%) of the original fee.

(2) The applicant/permittee or owner/operator will be notified by mail if the fee is not paid by the due date established by the applicable provisions of District Regulation III or by any invoice produced pursuant to the procedures specified in the applicable District Rule.

(3) Assessment or payment of a Delinquency Penalty shall not limit the District's rights to pursue any other remedy provided by law.

(C) Waiver, Suspension, or Reduction of Penalty

(1) The APCO may waive, suspend, or reduce the Delinquency Penalty upon good cause shown after written application from the person against whom the penalty was assessed.

(2) Such waiver, suspension or reduction in penalty will be memorialized in writing and the application and any action upon it shall be placed in the applicable District file.

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(**Adopted:** 07/09/76; **Amended:** 01/07/77; **CARB Ex. Ord. G-73:** 02/01/77; **Readopted:** 07/25/77; **Amended:** 08/22/85; **Amended:** 11/20/89; **Amended:** 01/01/90; **Amended:** 10/23/94; **Amended:** 03/24/97; **Amended:** 09/28/98; **Amended:** 06/26/00; **Amended:** 09/23/02; **Amended:** 08/23/04 effective 01/01/05; **Amended:** 06/27/05 effective 01/01/06; **Amended:** 10/23/06 effective 01/01/07; **Amended:** 6/25/07 effective 1/1/08; **Amended:** 06/23/2008 effective 01/01/2009; **Amended:** 06/28/10 effective 01/01/11; **Amended:** 08/22/11 effective 01/01/12; **Amended:** 06/25/12 effective 01/01/13; **Amended:** 06/24/13 effective 01/01/14;**Amended:** 06/23/14 effective 01/01/15; **Amended:** 06/22/15 effective 01/01/16; **Amended:** 06/27/16 effective 01/01/17; **Amended:** 06/26/17 effective 01/01/18; **Amended: mm/dd/yy effective 01/01/19)**

RULE 301
Permit Fees[1]

(A) General

(1) Purpose

(a) This rule sets forth the fees required for various permit activities required pursuant to the provisions of Regulation II - *Permits* and Regulation XIII - *New Source Review*.

(2) Applicability

(a) Any person subject to the provisions of Regulation II - *Permits* or Regulation XIII - *New Source Review* shall pay the fees set forth in this rule.

(b) Federal, state or local governmental agencies or public districts shall pay the fees to the extent allowed pursuant to the provisions of Chapter 2, Division 7, Title 1 of the Government Code (commencing with §6103); Part 4, Division 26 and Part 6, Division 26 of the Health and Safety Code (commencing with §44300).

(3) Limitations

(a) Revenue derived from permit fees shall be limited as required by Chapter 4 of Part 4, Division 26 of the Health and Safety Code.

(4) Effective Date

[1] This amendment includes a five percent (5%) increase in most fees to recover the rising costs associated with issuing licenses and permits, performing investigations, inspections, and audits, and the administrative enforcement and adjudication thereof.

(a) The amendments to this rule adopted on ~~06/26/2017~~ 06/25/18 shall be effective on ~~01/01/2018~~ 01/01/2019.

(B) Requirements and Procedures

(1) Fees, as specified herein, are required for the following activities relating to permits:

(a) The filing of a permit application.

(b) The evaluation of new or modified sources.

(c) The issuance of authority to construct(s).

(d) The issuance of permit(s) to operate.

(e) The issuance of duplicate or modified permits required by any of the following circumstances:

(i) Loss or destruction of a permit.
(ii) Change of equipment location to a site other than that described in the permit.
(iii) Transfer of ownership of the permit.
(iv) Alterations or additions to equipment as listed on the permit.

(f) Annual permit renewal.

(2) Fees shall be paid when due as specified herein:

(a) Fees shall be invoiced at least thirty (30) days before the expiration date as shown on the permit. The owner/operator will be notified by First Class mail of the amount to be paid and the due date of the invoice.

(b) If the fee is not paid on or before the due date of the invoice the permit shall become delinquent on the due date or expire on its expiration date, whichever is sooner, and will thereafter no longer be valid.

(c) Within thirty (30) days after the due date of the invoice or expiration date of the permit, whichever is sooner, if the applicable fees remain unpaid the holder of the permit shall be notified in writing by First Class mail:

(i) That the permit has become delinquent for nonpayment of fees and is no longer valid; and
(ii) Of the consequences of continuing to operate with an invalid permit.

(d) If the permit is delinquent for more than six (6) months the permit shall be terminated and become inactive in District records.

(3) Reinstatement of Permits

(a) A permit which is delinquent but has not become inactive may be reinstated by payment in full of all outstanding fees, fines and penalties, including but not limited to other fees imposed pursuant to Regulation III – *Fees* and fines or penalties imposed pursuant to the provisions of Article 3, Chapter 4, Part 4 of Division 26 of the Health and Safety Code (commencing with §42400).

(b) A permit which has become inactive may be reinstated by either of the following:

(i) The submittal of a new application, accompanied by payment of all previously accrued fees, fines and penalties, including but not limited to other fees imposed pursuant to Regulation III – *Fees* and fines or penalties imposed pursuant to the provisions of Article 3, Chapter 4, Part 4 of Division 26 of the Health and Safety Code (commencing with §42400) and the payment of any new fees which would apply to a similar new application; or

(ii) By submitting a written request to the APCO to reinstate the permit stating good cause for such reinstatement. The APCO or his or her designee shall review the request and may direct in writing that the permit be reinstated by payment in full of all outstanding fees, fines and penalties, including but not limited to other fees imposed pursuant to District Regulation III and fines or penalties imposed pursuant to the provisions of Article 3, Chapter 4, Part 4 of Division 26 of the Health and Safety Code (commencing with §42400).

(4) Refunds

(a) No claim for refund for any fee required by this rule shall be honored unless:

(i) For initial permit fees, such claim is submitted within ninety (90) days after the permit was issued.

(ii) For renewal permit fees, such claim is submitted within ninety (90) days after the prior permit expiration date.

(b) Refunds shall be pro-rated for the period between the date the request is received or prior permit expiration date, whichever is applicable, and the current permit expiration date.

(c) Fees established as surcharges are not refundable and are assessed in addition to the schedules established for permit fees. Surcharges are assessed and applicable as specified herein.

(d) The following fees are non-refundable:

(i) The filing fee set forth in section (C)(1).
(ii) Initial permit fees for Negative Air Machines and HEPA vacuums pursuant to section (E)(7)(h).

(5) Pro-rated fees

(a) The APCO may pro-rate any of the following fees excluding any applicable filing fee:

(i) Initial Permit Fee;
(ii) Annual Permit to Operate Renewal Fee;
(iii) Permit to Construct Renewal Fee;
(iv) Alteration, Modification, Addition or Revision Fees.

(b) Pro-rated fees shall be calculated based upon the fees and fee schedule in effect on the date of issuance of the permit to which the fees apply.

(c) Fees shall be pro-rated for the period between the date of the issuance of the affected permit and the expiration of the permit.

(6) Credit Card Payment

(a) If any person wishes to pay using a credit card, that person shall also pay the processing costs imposed by the company processing the transaction.

(C) Fees

(1) Filing Fee

(a) Except as otherwise provided, any person who applies for the issuance of a new or modified permit shall be assessed a fee of $288.00 ~~$274.00~~. This filing fee shall be submitted with the application.

(b) The filing fee is non-refundable and shall not be applied to any subsequent application.

(c) Applications shall not be accepted unless they are accompanied by the filing fee.

(d) Applications for asbestos remediation equipment (including negative air machines and HEPA vacuums) shall not be accepted unless they are accompanied by the filing fee and annual permit fee as specified in section (E)(7)(h).

(e) Applications for temporary permits shall not be accepted unless they are accompanied by the filing fee and annual permit fee as specified in section (E)(7)(h).

(2) Project Evaluation Fee for Complex Sources

(a) Any person who submits an application on or after January 1, 1986, which is related to projects to construct or modify any of the following shall be assessed a project evaluation fee for complex sources.

(i) Equipment associated with landfills;
(ii) Equipment associated with resource recovery projects;
(iii) Equipment associated with energy cogeneration projects;
(iv) Equipment associated with electrical power plants;
(v) Equipment associated with hazardous and toxic material and/or waste disposal or treatment facilities;
(vi) Equipment subject to the provisions of District Rule 1303 Section (B);
(vii) Equipment with emissions of a Hazardous Air Pollutant requiring a Health Risk Assessment pursuant to District Rule 1320 subsection (E)(3) or a case-by-case MACT determination pursuant to District Rule 1320 subsection (F)(2);
(viii) Equipment subject to provisions of the Prevention of Significant Deterioration Program as administered by U.S. Environmental Protection Agency or District Rule 1600; and
(ix) Any other permit units where the APCO or his or her designee has determined that an analysis required pursuant to these rules or regulations would require over two (2) hours ~~twenty four (24)~~ of staff time to complete.

(b) A deposit of $6,500.00 to be applied toward the project evaluation fee for complex sources shall be paid within thirty (30) days of written notification by the District that the application is subject to this fee.

(c) The project evaluation fee for complex sources shall be based on the District's total actual and reasonable labor time and other reasonable expenses for the evaluation required to develop a permit to construct and/or permit to operate.

(i) This fee shall be calculated at a labor rate of $100.00 ~~$95.00~~ per hour plus actual expenses.
(ii) The fee shall accrue and be applied against the deposit.
(iii) Should the District's costs as calculated pursuant to subsection (i) above not exceed the deposit; the remainder of the deposit will be returned to the applicant.
(iv) Should the District's costs as calculated pursuant to subsection (i) above exceed the deposit the excess will be billed to the applicant.

a. The applicant shall be notified, in writing, of the amount of any such excess fee and the due date for payment of the fee.

b. An accounting of costs and written notice to the applicant shall be issued to the applicant at least quarterly.

(d) Actual expenses of the District include consultant services which are engaged by the District for the purpose of project evaluations. When project evaluations are performed for the District under such a contract, the applicant will be assessed fees for the actual total and reasonable costs incurred by the District staff to oversee, review and approve the evaluation as well as the actual cost to the District of the contractor evaluation.

(e) Actual expenses of the District include project notice fees which are incurred on behalf of public project notices.

(f) The provisions of subsection (B)(2) do not apply to this fee. If the applicant fails to pay the project evaluation fee for complex sources when due the APCO shall, after written notice to the applicant, cancel the application.

(3) Initial Permit Fee

(a) Except as otherwise provided in this rule, any person who applies for a permit shall, upon notification that the application has been approved, be assessed the initial permit fee for the issuance of a permit to construct or permit to operate in the amount prescribed in schedules set forth herein.

(i) For applications containing mutually exclusive alternative construction scenarios the APCO may, upon written request of the applicant, assess an alternate initial permit fee. Such alternate initial permit fee shall not be less than the highest initial permit fee for any single alternative scenario set forth in the application and shall not be more than the sum of the initial permit fees for all alternative scenarios set forth in the application.

(ii) For applications where multiple schedules may be applicable to a particular piece of equipment the APCO shall determine the appropriate schedule to be applied.

(b) After the provisions for granting permits as set forth in Division 26 of the Health and Safety Code and these Rules and Regulations have been complied with, the applicant shall be notified, in writing, of the amount of the fee to be paid as the initial permit fee.

(i) Notice may be given by personal service, electronically, or by First Class mail.

(4) Annual Permit to Operate Renewal Fee

(a) A Permit to operate shall be annually renewable, upon payment of fees.

(b) The annual permit to operate renewal fee shall be calculated pursuant to the schedules herein.

(c) The annual permit to operate renewal fee shall be invoiced as specified in Section (B) above.

(5) Authority to Construct Renewal Fee

(a) An authority to construct may be renewed, upon payment of fees, pursuant to the provisions of District Rule 201.

(b) The authority to construct renewal fee shall be calculated pursuant to the schedules herein.

(i) For applications containing mutually exclusive alternative construction scenarios the APCO may, upon written request of the applicant, assess an alternate authority to construct renewal fee. Such alternate authority to construct renewal fee shall not be less than the highest authority to construct renewal fee for any single alternative scenario set forth in the application and shall not be more than the sum of the authority to construct renewal fees for all alternative scenarios set forth in the application.

(ii) For applications where multiple schedules may be applicable to a particular piece of equipment the APCO shall determine the appropriate schedule to be applied.

(c) An authority to construct may only be renewed for two (2) years after the initial date of issuance, unless the application is canceled or an extension of time pursuant to the provisions of District Rule 205 has been granted by the APCO.

(d) The authority to construct renewal fee shall be invoiced as specified in Section (B) above.

(e) When construction is completed prior to the expiration of the authority to construct, the authority to construct may thereupon act as a temporary permit to operate pursuant to the provisions of District Rule 202. The residual fee for the authority to construct, calculated as a pro-rated fee for the period between the completion of construction and the expiration date of the permit, shall be applied to a pro-rated initial permit fee for the same period. Any positive difference between the residual fee and the pro-rated initial permit fee shall be invoiced as set forth in Section (B) above.

(6) Change of Location or Ownership Fees

(a) Permits, pursuant to the provisions of District Rule 209, are only valid for the location specified in the permit.

(i) Any person who applies for a permit requesting a change in the location of equipment included on a currently valid permit shall request in writing a change of location for the equipment and may be assessed an initial permit fee if the change in location also creates additional alteration(s), modification(s), addition(s) or revision(s) in either the subject permit or other permits at the same facility.

(ii) The person will be notified by mail, of the amount of the initial permit fee due as a result of the change of location and the due date for payment of the fee.

(iii) The APCO or his or her designee may, upon the applicant's written request, waive the initial permit fee.

(b) Permits, pursuant to the provisions of District Rule 209, are only valid to the person named on the permit.

(i) Any person who applies for a permit requesting a change of ownership of equipment included on a currently valid permit shall be assessed a transfer fee of $164.00 ~~$156.00~~ for each permit being transferred from one person to another.

(ii) The filing fee set forth in subsection (C)(1) are waived for applications solely requesting a change of ownership.

(iii) The transfer fee for applications solely requesting a change of ownership is due at the time the application is filed.

(c) Any person submitting an application for a permit requesting a change of location and/or change of ownership which also requests alteration(s), addition(s) or revision(s) to the permit shall be assessed either the fees set forth in this Section or in subsection (C)(7) whichever is greater.

(7) Alteration, Modification, Addition or Revision Fees

(a) Any person who applies for a permit requesting alteration(s), modification(s), addition(s), or revision(s) of the permit resulting from a change to equipment included on a currently valid permit shall be assessed a filing fee pursuant to subsection (C)(1) above and a permit revision fee.

(b) The permit revision fee shall be calculated as follows:

(i) The initial permit fee for a permit which includes the alteration, addition or revision minus the previous year's annual permit to operate renewal fee, pro-rated, for the period between the date of

issuance for the permit containing the alteration addition or revisions, and the original permit(s) expiration date.

(c) The permit revision fee shall be invoiced as set forth in Section (B) above.

(d) Any person submitting an application for a permit requesting a change of location and/or change of ownership which also requests alteration(s), addition(s) or revision(s) to the permit shall be assessed either the fees set forth in this Section or in subsection (C)(6), whichever is greater.

(8) Fees Applicable when Permit Granted or Denied by Hearing Board

(a) If a permit is granted by the Hearing Board after denial of an application by the APCO or after the application has been deemed denied pursuant to District Rule 215, the applicant shall be assessed the appropriate fees set forth in this rule.

(b) The applicant shall be notified, in writing, of the amount of the fee and the due date for payment of the fee.

(c) Previously paid fees are not refundable if the Hearing Board denies the issuance of a permit which was granted by the APCO.

(9) Signed Duplicate or Corrected Permit Fees

(a) A request for a signed duplicate permit or for administrative corrections to a permit, shall be made in writing by the permit holder.

(b) The permit holder shall be assessed a fee of $78.00 ~~$74.00~~ for issuing each signed duplicate or corrected permit.

(c) The fee for a signed duplicate or corrected permit is due at the time the permit is requested.

(10) Previously Unpermitted or Altered Equipment Fee

(a) When equipment is built, erected, installed, altered, or replaced (except for identical replacement) without the owner or operator obtaining a permit to construct in accordance with District Rule 201, the owner or operator shall be assessed a previously unpermitted equipment fee.

(b) The previously unpermitted equipment fee shall be calculated as fifty percent (50%) of all applicable permit fees which would have been required for each year of unpermitted activity, plus the full amount of all applicable permit fees for the year immediately preceding the year when the permit to operate is granted.

(c) The unpermitted equipment fee is due when the permit to operate is granted.

(d) The assessment of an unpermitted equipment fee shall not limit the District's right to pursue any other remedy provided for by law.

(e) The provisions of this subsection shall not apply if a permit is required solely due to a change in District Rule 219.

(f) The APCO may waive the unpermitted equipment fee for good cause upon the written application of the person assessed the fee.

(11) CEQA Review Fees

(a) An application for a permit which is associated with a project subject to review under the California Environmental Quality Act (CEQA; Public Resources Code Section 21000 et seq.) shall pay, in addition to any other fees applicable pursuant to this rule, the District's cost of performing all environmental evaluation required pursuant to CEQA. Such costs shall include, but are not limited to:

(i) Cost of preparing any environmental study or Environmental Impact Report including the costs of any outside consulting assistance which the District may employ in connection with the preparation of such study or report;
(ii) Cost of publication and circulation of any required notice;
(iii) Cost of filing any required documents with another agency; and
(iv) Reasonable internal costs, including overhead, of processing and reviewing the required environmental documentation.

(12) Temporary Permits

(a) An application for a permit which will be valid for thirty (30) days or less shall be assessed an initial permit fee of one-twelfth (1/12) the value calculated per section E below, or $323.01, whichever is greater.

(D) (Reserved)

(E) Schedules for Initial Permit Fee and Annual Permit Fee

(1) Schedule 1, Motor Horsepower

Any emission generating process using motors as a power source shall be assessed a permit fee based on the cumulative total rated horsepower of all equipment in the process train, with the exception of air pollution control or other equipment that may operate independently of the process, in accordance with the following schedule:

HORSEPOWER RATING (hp)	INITIAL AND ANNUAL PERMIT FEE
(a) Up to and including 40 hp	$362.76 ~~$345.49~~
(b) 41 to and including 200 hp	$124.26 ~~$118.34~~ plus $5.96 ~~$5.68~~ per each hp
(c) 201 to and including 1,000 hp	$750.39 ~~$714.65~~ plus $28.33 ~~$26.98~~ per each 10 hp
(d) Greater than 1,000 hp	$2,166.68 ~~$2,063.50~~ plus $14.16 ~~$13.49~~ per each 10 hp

(2) Schedule 2, Fuel Burning Equipment

Any emission generating process in which fuel is burned, for the production of useful power, except for engine driven generators used for the intermittent production of electrical power not for resale, shall be assessed a permit fee based upon the design fuel consumption of the equipment expressed in British thermal units (Btu) per hour, using gross heating values of the fuel plus 2,550 Btu for each horsepower of associated motor driven equipment, in accordance with the following schedule:

BRITISH THERMAL UNITS (BTU) PER HOUR	INITIAL AND ANNUAL PERMIT FEE
(a) Up to and including 250,000 Btu	$124.26 ~~$118.34~~ plus $175.61 ~~$167.25~~ per each 100,000 Btu
(b) 250,001 to and including 1,000,000 Btu	$314.75 ~~$299.76~~ plus $99.38 ~~$94.65~~ per each 100,000 Btu
(c) 1,000,001 to and including 4,000,000 Btu	$935.91 ~~$891.34~~ plus $37.26 ~~$35.49~~ per each 100,000 Btu
(d) 4,000,001 to and including 10,000,000 Btu	$1,234.09 ~~$1,175.32~~ plus $29.84 ~~$28.42~~ per each 100,000 Btu
(e) 10,000,001 to and including 100,000,000 Btu	$3,404.09 ~~$3,241.99~~ plus $81.18 ~~$77.31~~ per each 1,000,000 Btu
(f) Greater than 100,000,000 Btu	$9,450.25 ~~$ 9,000.24~~ plus $20.72 ~~$19.73~~ per each 1,000,000 Btu

(3) Schedule 3, Electrical Energy

Any emission generating process which uses electrical energy, with the exception of motors covered in Schedule 1, shall be assessed a permit fee based on the total kilovolt-ampere (kVA) ratings, in accordance with the following schedule:

KILOVOLT-AMPERE (kVA)	INITIAL AND ANNUAL PERMIT FEE
(a) Up to and including 45 kVA	$332.93 ~~$317.08~~
(b) Greater than 45 kVA	$318.05 ~~$302.90~~ plus $0.36 ~~$0.34~~ per each kVA

(4) Schedule 4, Incinerator Equipment

Any equipment designed and used primarily to dispose of combustible refuse by wholly consuming the material charged leaving only the ashes or residue shall be assessed an initial and annual permit fee based on the maximum horizontal, inside, cross sectional area, in square feet, of the primary combustion chamber. The fee shall be $332.93 ~~$317.08~~ plus $21.55 ~~$20.52~~ per square foot.

(5) Schedule 5, Stationary Containers

Any stationary tank, reservoir, or other container with the exception of stationary storage tanks covered in Schedule 6 (subsection (E)(6)) herein, shall be assessed a permit fee on the following schedule of capacities in gallons or cubic equivalent:

GALLONS	INITIAL AND ANNUAL PERMIT FEE
(a) Up to and including 10,000 gallons	$318.05 ~~$302.90~~
(b) 10,001 to and including 100,000 gallons	$276.62 ~~$263.45~~ plus $4.16 ~~$3.96~~ per each 1,000 gallons
(c) 100,001 to and including 2,000,000 gallons	$609.59 ~~$580.56~~ plus $8.11 ~~$7.72~~ per each 10,000 gallons
(d) Greater than 2,000,001 gallons	$1,822.15 ~~$1,735.38~~ plus $20.53 ~~$19.55~~ per each 100,000 gallons

(6) Schedule 6, Retail Gasoline Dispensing Equipment

Any fueling equipment used to dispense gasoline (as defined in District Rule 461 subsection (B)(2)) at a single retail location, including but not limited to, stationary gasoline storage tanks, dispensers, and vapor recovery systems where required, shall be assessed an initial and annual permit fee in accordance with the following schedule:

(a) $52.01 ~~$49.53~~ per single product nozzle.

(b) $52.01 ~~$49.53~~ per product for each multi-product nozzle.

(7) Schedule 7, Miscellaneous Permit Fees

Permits to operate the following equipment shall be assessed an initial and annual permit fee in accordance with the following schedule:

(a) Each permit of a dry cleaning device ~~plant~~: $323.01 ~~$307.63~~.

(b) Test Stand, Intermittent: $323.01 ~~$307.63~~.

(c) Spray coating equipment operated outside of a control enclosure: $323.01 ~~$307.63~~.

(d) Vapor degreasing equipment using non-Volatile Organic Compound (VOC) material only: $323.01 ~~$307.63~~.

(e) Portable abrasive blasting equipment: $323.01 ~~$307.63~~.

(f) Mobile asphalt or coal tar pitch roofing equipment with a capacity greater than 500 gallons: $323.01 ~~$307.63~~.

(g) Internal combustion engines of greater than or equal to fifty (50) brake horsepower driving electrical generators which meet any of the following criteria:

(i) Used at facilities normally serviced with commercial power, where the generators are used exclusively as emergency units during loss of commercial power: $323.01 ~~$307.63~~.

(ii) Used at facilities normally serviced with an alternative energy supply including, but not limited to, photovoltaic power, where the generators are used exclusively as emergency units during loss of such alternative energy source but no more than 200 hours total per year: $323.01 ~~$307.63~~.

(iii) Used to drive a fire pump or deluge pump that is used exclusively during fire emergency or testing: $323.01 ~~$307.63~~.

(h) Air Pollution Control Devices: $289.88

(i) Air Pollution Control Devices for the purpose of this subsection are those devices which are not a part of the basic process train. For the purposes of this subsection such devices do not include product separators.

(ii) Collection systems and conveyors associated with Air Pollution Control Devices as defined in this subsection shall not be considered as part of the air pollution control device.

(i) Any piece of equipment which has the potential to emit pollutants, but not included elsewhere in these schedules: $323.01 ~~$307.63~~.

(8) Schedule 8, Direct-Fired Production Equipment

Any emission generating process in which fuel is burned in combination with other materials for the purpose of producing a salable product, shall be assessed a permit fee based on the total equivalent fuel consumption of the equipment expressed in British thermal units (Btu) per hour, using gross heating values of the fuel plus 2,550 Btu for each horsepower of associated motor driven equipment, in accordance with the following schedule:

BRITISH THERMAL UNITS (BTU) PER HOUR	INITIAL AND ANNUAL PERMIT FEE
(a) Up to and including 250,000 Btu	$124.26 ~~$118.34~~ plus $175.61 $ ~~$167.25~~ per each 100,000 Btu
(b) 250,001 to and including 1,000,000 Btu	$314.75 ~~$299.76~~ plus $99.38 ~~$94.65~~ per each 100,000 Btu
(c) 1,000,001 to and including 4,000,000 Btu	$935.91 ~~$891.34~~ plus $37.26 ~~$35.49~~ per each 100,000 Btu
(d) 4,000,001 to and including 10,000,000 Btu	$1,234.09 ~~$1,175.32~~ plus $29.84 ~~$28.42~~ per each 100,000 Btu
(e) 10,000,001 to and including 100,000,000 Btu	$3,404.09 ~~$3,241.99~~ plus $81.18 ~~$77.31~~ per each 1,000,000 Btu
(f) Greater than 100,000,000 Btu	$9,450.25 ~~$9,000.24~~ plus $20.72 ~~$19.73~~ per each 1,000,000 Btu

(9) Schedule 9, Engine Driven Electric Generators

Generators used for the intermittent generation of electricity, other than for resale, where such generators provide power at the facility to assure continued operational capability should there be a loss of commercial power and/or to obtain a favorable commercial rate schedule shall be assessed a permit fee based upon the design fuel consumption of the equipment expressed in British thermal units (Btu) per hour, using gross heating values of the fuel, in accordance with the following schedule:

BRITISH THERMAL UNITS (BTU) PER HOUR	INITIAL AND ANNUAL PERMIT FEE
(a) Up to and including 250,000 Btu	$124.26 ~~$118.34~~ plus $175.61 ~~$167.25~~ per each 100,000 Btu
(b) 250,001 to and including 1,000,000 Btu	$314.75 ~~$299.76~~ plus $99.38 ~~$94.65~~ per each 100,000 Btu
(c) 1,000,001 to and including 4,000,000 Btu	$935.91 ~~$891.34~~ plus $37.26 ~~$35.49~~ per each 100,000 Btu
(d) 4,000,001 to and including 10,000,000 Btu	$1,234.09 ~~$1,175.32~~ plus $29.84 ~~$28.42~~ per each 100,000 Btu
(e) 10,000,001 to and including 100,000,000 Btu	$3,404.09 ~~$3,241.99~~ plus $81.18 ~~$77.31~~ per each 1,000,000 Btu
(f) Greater than 100,000,000 Btu	$9,450.25 ~~$9,000.24~~ plus $20.72 ~~$19.73~~ per each 1,000,000 Btu

(10) Schedule 10, Stand-By Equipment

Equipment used exclusively to provide continued operation of a process during maintenance or repair of an existing piece of regularly permitted equipment, shall be assessed an initial and annual permit fee of fifty percent (50%) of the appropriate fee schedule for that type of equipment or $289.88 ~~$276.08~~, whichever is the greater.

(11) Schedule 11, Landfills

Any landfill required to install a gas collection system pursuant to the provisions of 40 CFR 60 Subpart Cc (commencing with 40 CFR 60.30c) or 40 CFR 60 Subpart WWW (commencing with 40 CFR 60.750) or 40 CFR Subpart XXX (commencing with 40 CFR 60.760), shall be assessed an initial and annual permit fee of $1,596.03 ~~$1,520.03~~ per gas collection facility.

[SIP: Not in SIP.]

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(**Adopted:** 11/20/89; **Effective Date:** 01/01/90;
Amended: 06/22/15; **Amended:** 06/27/16;
Amended: 06/26/17; **Amended:** mm/dd/yy)

Rule 302
Other Fees[1]

(A) General

(1) Purpose

(a) This rule sets forth fees which may be charged for various activities, documents and services, including but not limited to, provision of publications, performing analysis, filing, evaluation and enforcement of plans and State Mandated Fees.

(2) Applicability

(a) This rule applies to

(i) Any person subject to a fee listed herein.
(ii) Any of the following governmental entities subject to a fee listed herein.
a. Federal, state and local government agencies or public districts shall pay the fees to the extent allowed pursuant to the provisions of Chapter 2, Division 7, Title 1 of the Government Code (commencing with Section 6103); Part 4, Division 26 of the Health and Safety (H&S) Code (commencing with Section 41500) and Part 6, Division 26 of the H&S Code (commencing with Section 44300).

(B) Definitions

The definitions contained in District Rule 102 shall apply unless the term is otherwise defined herein:

(1) "Demolition Project" – The wrecking or taking out of any load-supporting structural member of a Structure subject to 40 CFR 61, Subpart M together with any related handling operations, or the intentional burning of such Structure.

(2) "Installation" – Any building or structure or any group of buildings or structures at a single Demolition Project or Renovation Project site that are under control of the same owner or operator (or owner or operator under common control).

[1] This amendment includes a five percent (5%) increase in most fees to recover the rising costs associated with issuing licenses and permits, performing investigations, inspections, and audits, and the administrative enforcement and adjudication thereof.

(3) "Plan or Report" – A document required to be submitted to the District by District rule or regulation; or state or federal law or regulation, providing a description of actions or procedures necessary to accomplish the particular objective and containing those items set forth in the underlying requirement.

(4) "Source Test Protocol" – A test work plan or protocol includes a process description, field sampling methods, analytical test methods, test schedules, equipment calibration and a results presentation format used to determine the type and quantity of pollutants emitted from sources by sampling the effluent stream.

(5) "Source Test Report" – A document that provides the analytical results from an emission source test used to determine the type and quantity of pollutants emitted from sources by sampling the effluent stream. The report should contain an executive summary, field sampling methods, analytical test methods, equipment calibration and a results presentation to determine the type and quantity of pollutants emitted from sources by sampling the effluent stream.

(6) "Structure subject to 40 CFR 61, Subpart M" – Any institutional, commercial, public, industrial, or residential structure, Installation, or building (including any structure, Installation, or building containing condominiums or individual dwelling units operated as a residential cooperative, but excluding residential buildings having four (4) or fewer dwelling units); any ship; and any active or inactive waste disposal site. For the purposes of this definition, any building, structure, or Installation that contains a loft used as a dwelling is not considered a residential structure, installation, or building. Any structure, Installation or building that was previously subject to 40 CFR 61, Subpart M is not excluded, regardless of its current use or function.

(7) "Renovation Project" – Altering a Structure subject to 40 CFR 61, Subpart M or one or more Structure(s) subject to 40 CFR 61, Subpart M components in any way, including the removal of asbestos-containing material from a Structure subject to 40 CFR 61, Subpart M component. Operations in which load-supporting structural members are wrecked or taken out are Demolition Projects.

(C) Payments, Adjustments and Refunds

(1) Fees shall be paid when due as specified herein.

(a) Analysis Fees and Monitoring Device Fees

(i) Analysis and Monitoring Device fees shall be invoiced as follows:

a. Directly by the entity retained by the District to perform the test and or analysis;

b. By the District within thirty (30) days of receipt of an invoice by the District for testing and/or analysis services; or

c. By the District within thirty (30) days of completion of the analysis of testing methodology and review of test results.

(ii) If invoiced by the District, the person ordered to provide the analysis or test by the Air Pollution Control Officer (APCO) will be notified by First Class mail of the amount to pay and the due date of the invoice.

(iii) If the fee is not paid within thirty (30) days of the due date of the invoice shall constitute grounds for the denial, revocation or suspension of all permits to operate at sources subject to permit requirements and shall constitute a violation of this rule for any source, whether or not subject to permit requirements.

(b) Asbestos Demolition/Renovation Fees

(i) Asbestos Demolition/Renovation Fees shall be paid at the time of the submittal of the Demolition or Renovation notification.

(ii) Permit fees for Air Pollution Control Devices shall be paid pursuant to the provisions of District Rule 301.

(iii) If subsequent charges for Asbestos Demolition/Renovation Fees apply the District shall be invoiced within ten (10) days of the change resulting in the subsequent charges as follows:

a. The invoice shall be sent via First Class mail to the person submitting the notification at the address listed therein.

b. Payment of the fees shall be due thirty (30) days from the date of mailing.

c. If the fee is not paid within thirty (30) days of the due date of the invoice shall constitute grounds for the denial, revocation or suspension of all permits to operate at sources subject to permit requirements and shall constitute a violation of this rule for any source, whether or not subject to permit requirements.

(c) Asbestos Waste Disposal Site Fees

(i) Asbestos Waste Disposal Site Fees shall be invoiced and paid at the same time and in the same manner as permit fees set forth in District Rule 301.

(d) Certificate of Occupancy Fee

(i) Certificate of Occupancy Fee, if applicable, shall be paid prior to delivery of the official documentation showing the District's approval of the Certificate of Occupancy.

(e) Emission Reduction Credit (ERC) Fees

(i) The initial fee for the issuance, encumbrance, transfer or reclassification of ERCs shall be paid upon submission of the application for issuance, encumbrance, transfer or reclassification.

(ii) Analysis fees, if applicable, for the issuance of ERCs shall be invoiced within ten (10) days of the completion of the analysis as follows:

a. The invoice shall be sent via First Class mail to the applicant.

b. Payment of the fees shall be due thirty (30) days from the date of mailing.

c. If the fee is not paid within thirty (30) days of the due date of the invoice shall refrain from issuing the ERCs.

(f) Plan and Report Fees

(i) Plan and Report filing and evaluation fees shall be paid at the time of submission of the Plan or Report.

(ii) If a Plan or Report analysis exceeds two (2) ~~ten (10)~~ hours of District staff time then the District shall invoice the fee within ten (10) days of completion of the analysis but prior to the issuance of the approval of the Plan or Report.

a. The invoice shall be sent via First Class mail to the contact person indicated in the Plan or Report.

b. Payment of Plan or Report analysis Fee shall be due in thirty (30) days from the date of mailing.

c. If the fee is not paid within thirty (30) days of the due date of the invoice then the District shall refrain from approving the Plan or Report.

(iii) If a Plan or Report requires an annual renewal the District shall invoice the renewal fee at least thirty (30) days prior to the expiration date.

a. The invoice shall be sent via First Class mail to the contact person indicated in the Plan or Report.

b. Payment of annual review fee shall be due in thirty (30) days from the date of mailing.

c. Fees not paid within thirty (30) days of the due date of the invoice shall constitute grounds for the denial, revocation or suspension of all permits to operate at sources subject to permit requirements and shall constitute a violation of this rule for any source, whether or not subject to permit requirements.

(g) Publication Fees

(i) Publication fees shall be paid prior to the delivery of the publication requested.

(h) State Mandated Fees

(i) State Mandated Fees shall be due and paid as specified in the regulation which imposes the mandate and allows the District to collect the state imposed fees for such mandate.

(2) Credit Card Payments

(a) Fees may be paid by credit card directly from the District website.

(b) If any person wishes to pay using a credit card, the person shall also pay any costs imposed by the company processing the credit card transaction.

(3) Refunds

(a) Fees set forth in this rule are non-refundable unless otherwise listed below.

(b) Asbestos Fee Refunds

(i) Applicants who have paid Asbestos Fees and submitted a notification for a project that is subsequently not accomplished, may request a refund of the fee.

(ii) The amount of the refund shall be calculated as the fee paid minus any amount expended by the District in labor to review, analyze, inspect or otherwise deal with the notification at the hourly labor rate specified in District Rule 301 subsection (C)(2)(c)(i) or the fee paid minus one (1) hour at the specified labor rate, whichever amount is less.

(c) ERC Fee Refunds

(i) If an application for the issuance of ERCs is withdrawn by the applicant within sixty (60) days of the date of the submittal of the application, the applicant shall be entitled to a refund of sixty percent (60%) of the application fee.

(4) Service Charge for Returned Checks

(a) Any person who submits a check to the District on insufficient funds or on instructions to stop payment on the check, absent an overcharge or other legal entitlement to withhold payment, shall be subject to a $25.00 service charge.

(D) Analysis Fees

(1) Any person ordered by the APCO to provide an analysis of materials used by, or the determination of emissions from, any source of air contaminants shall pay all

direct costs associated with such tests as invoiced by the entity which is retained by the District or retained by the owner/operator to perform the tests.

(2) Any owner or operator of a facility from whom the District collects a sample shall pay all direct costs associated with such tests as invoiced by the entity which is retained by the District to perform the tests.

(3) Any person subject to the provisions of subsection (D)(1) or (2) above shall also be assessed a fee for the reasonable time required by District staff to review the testing methodology and results.

(a) Such fee shall be calculated at the hourly labor rate specified in District Rule 301 subsection (C)(2)(c)(i) plus actual expenses.

(4) Data and sample collection methods, analysis methods and the qualifications of testing personnel or firms shall be determined by the APCO.

(E) Asbestos Demolition/Renovation Fees

(1) Any person who is required by the provisions of the National Emissions Standards for Hazardous Air Pollutants (NESHAP) for Asbestos as set forth in 40 Code of Federal Regulations, Part 61 (40 CFR 61), Subpart M, (and as adopted by reference in District Rule 1000 subsection (C)(2)(m)) to submit a written notice of intention to demolish, including but not limited to Demolitions Projects where no asbestos is present, and/or Demolition Projects by fire, shall pay a fee of $139.00 ~~$132.00~~.

(a) This fee may be waived by the APCO in those cases where a single notification is submitted for a Renovation and subsequent Demolition on the same building, provided that the notification meets all the requirements of 40 CFR 61, Subpart M for both projects.

(2) Any person who is required by the provisions of the National Emissions Standards for Hazardous Air Pollutants (NESHAP) for Asbestos as set forth in 40 Code of Federal Regulations, Part 61 (40 CFR 61), Subpart M, (and as adopted by reference in District Rule 1000 subsection (C)(2)(m)) to submit a written notice of intention to renovate or abate shall pay a fee calculated as follows:

(a) For Renovation projects involving the removal or stripping of more than 260 linear feet of pipe but less than 1,600 linear feet of pipe; or more than 160 square feet of material but less than 1,000 square feet of material, a fee of $303.00 ~~$289.00~~ , except as noted in subsection (E)(3).

(b) For Renovation projects involving the removal or stripping of 1,600 linear feet or more of pipe but less than 8,000 linear feet of pipe; or 1,000 square feet or more of material but less than 5,000 square feet of material, a fee of $524.00 ~~$499.00~~, except as noted in subsection (E)(3).

(c) For Renovation projects involving the removal or stripping of 8,000 linear feet or more of pipe or 5,000 square feet or more of material, a fee of $524.00 ~~$499.00~~ plus $221.00 ~~$210.00~~ for each 8,000 lineal feet of pipe or fraction thereof over 8,000 lineal feet of pipe and for each 5,000 square feet of material or fraction thereof over 5,000 square feet of material, except as noted in subsection (E)(3).

(3) Calculation of Linear Footage

(a) Where the outside diameter of piping insulation (wrapping) is greater than 2.35 inches, the calculation of linear footage of pipe shall be converted to square footage, the square footage of material involved to be calculated using the following equation:

$$A = \frac{3.14159 \times L \times D}{12}$$

Where:

A	=	Area in square feet
L	=	Linear length of piping in feet
D	=	Outside diameter of pipe insulation (wrap) in inches

Such projects shall thereafter be evaluated in terms of square footage and the appropriate fee determined on the basis of total amount of material in square feet.

(4) Permit Requirements

(a) Each High-Efficiency Particulate Arrestance (HEPA) filter or other control device used to ventilate a work area must obtain a Permit to Operate and pay the applicable fees pursuant to District Rule 301 subsections (C)(1) and (E)(7)(h) for an air pollution control device. This permit is good for one (1) year from the date issued and may be used on any project within the District as long as the project notification contains a copy of the Permit to Operate.

(5) Subsequent Charges

(a) If in the course of a Renovation Project pursuant to 40 CFR 61, Subpart M, it is determined that the project involves the removal or stripping of material such that the project requires a greater fee than was initially proposed, the owner or operator shall pay the balance of the fee.

(b) If an owner/operator fails to report a change in any date as required by Rule 40 CFR 61, Subpart M, and the APCO determines that such failure necessitated expenditure of additional time by the District, over and above that upon which the fee is based, then the owner or operator shall pay an additional fee at the hourly labor rate specified in District Rule 301 subsection (C)(2)(c)(i), billable in quarter hour increments.

(F) Asbestos Waste Disposal Site Fees

(1) The owner/operator of an asbestos waste disposal site subject to the provisions of the NESHAP for Asbestos as set forth in 40 CFR 61, Subpart M (and as adopted by reference in District Rule 1000 subsection (C)(2)(m)) including but not limited to; active and inactive landfills; incinerators; and convection or destruction processes, shall be assessed a fee to cover the cost of the review and evaluation of plans required by law or by District rules or regulations and any inspection and monitoring requirements related thereto.

(a) For each facility performing disposal of asbestos-containing material for manufacturing, fabricating, demolition, renovation and/or spraying operations, the owner or operator shall pay, in addition to the fees of District Rule 301, a fee of $1,104.00 ~~$1,051.00~~ per year.

(b) For each waste disposal site actively receiving asbestos-containing material for disposal which is not covered by subsection (F)(1)(a) above, the owner/operator shall pay, in addition to the applicable fees pursuant to District Rule 301 and any applicable fees pursuant to subsection (J)(4), a fee of $1,104.00 ~~$1,051.00~~ per year.

(c) For each waste disposal site not actively receiving asbestos containing material for disposal but where asbestos-containing waste material was deposited, the owner/operator shall pay in addition to the applicable fees pursuant to District Rule 301 and any applicable fees pursuant to subsection (J)(4), a fee of $221.00 ~~$210.00~~ per year.

(G) Certificate of Occupancy Fee

(1) Any person required to obtain a final Certificate of Occupancy from a city or county within the District shall pay a fee of $110.00 ~~$105.00~~ to the District for review of the project to ensure that the applicable portions of Regulation II – *Permits* and Regulation XIII – *New Source Review* have been met.

(a) This fee shall not apply to a Certificate of Occupancy required for residential structures or for any review taking less than one (1) hour of staff time to perform.

(H) Emissions Reduction Credit (ERC) Fee

(1) Any person applying for the issuance, transfer encumbrance and/or reclassification of Emissions Reduction Credits (ERC) pursuant to the provisions of District Rule 1402 shall pay a fee as follows:

(a) Any person submitting an application for ERCs pursuant to District Rule 1402 subsection (B)(1) shall pay an initial fee of $386.00 ~~$368.00~~ for each application submitted, and shall pay an analysis fee based upon the actual and reasonable labor time in excess of two (2) hours of labor, billed at the hourly labor rate specified in District Rule 301 subsection (C)(2)(c)(i).

(b) Any person submitting a document effecting an encumbrance of or transfer of ERCs pursuant to District Rule 1402 subsection (D)(2) - (4) shall pay a fee of $83.00 ~~$79.00~~ for each document submitted.

(c) Any person who has received notification that the APCO has approved the reclassification of Class "B" ERCs to Class "A" ERCs shall pay a processing fee of $56.00 ~~$53.00~~ at the time the affected Class "B" ERC certificates are submitted for conversion to Class "A" ERC certificates.

(2) The District will not accept, process or issue an ERC certificate, record an encumbrance or process a transfer unless and until all applicable fees are paid in full.

(I) Monitoring Device Fees

(1) Any owner/operator of a Facility with a Continuous Emissions Monitoring System (CEMS), Continuous Opacity Monitoring System (COMS), Continuous Emission Rate Monitoring System (CERMS) or other monitoring system required by state or federal law or District rule shall be assessed a fee to cover the costs of District activities related to insuring that such devices are functioning properly. District activities include but are not limited to the inspection, certification testing, review of certification testing, review of data for quality assurance, and assistance in investigating system malfunctions.

(2) Any owner/operator of a Facility with a CEMS, COMS, CERMS or other monitoring system required by state or federal law or District rule required to certify that such devices are functioning properly shall pay all direct costs associated with such tests as invoiced by the entity which is retained by the owner/operator to perform the tests.

(3) Such Monitoring Device Fee shall be calculated based upon the reasonable time required by District staff to perform the activities at the hourly labor rate specified in District Rule 301 subsection (C)(2)(c)(i) plus actual expenses.

(J) Plan and Report Analysis Fees

(1) Air Toxics Plan and Report Analysis Fees

(a) Any person required to submit a Comprehensive Emissions Inventory Report (CEIR), Health Risk Assessment Plan, Health Risk Assessment, Risk Reduction Plan or Risk Reduction and Audit Plan pursuant to the provisions of District Rule 1320 or 1520 shall be assessed a Plan and Report Analysis Fee to cover the reasonable costs and time required for District staff to review and approve of the documentation submitted which exceeds two (2) ~~ten (10)~~ hours.

(b) Such fee shall be calculated at the hourly labor rate specified in District Rule 301 subsection (C)(2)(c)(i) plus actual expenses.

(2) Dust Control Plans

(a) Any person who is required to submit a Dust Control Plan (DCP) pursuant to the provisions of District Regulation IV, enforcement action, or at the direction of the APCO shall be assessed a plan filing and evaluation fee of $575.00.

(i) Upon termination of construction activities, if a site stability evaluation is performed, the person holding the DCP shall be assessed an inspection fee of $250.00.

(b) Any person required to resubmit the DCP annually pursuant to the provisions of District Regulation IV, enforcement action, or at the direction of the APCO shall be assessed a plan resubmission filing and evaluation fee of $250.00.

(c) If a site inspection for compliance with the provisions of Regulation IV or the applicable DCP is performed, the person holding the DCP may be assessed a site inspection fee of $250.00

~~Plan Analysis Fees~~

~~(a) Any person required to submit a Dust Control Plan pursuant to the provisions of District Rules 403.1 or 403.2 shall be assessed a Dust Control Plan Analysis Fee to cover the reasonable costs and time required for District staff to review and approve of the documentation submitted which exceeds ten (10) hours.~~

~~(b) Such fees shall be calculated at the hourly labor rate specified in District Rule 301 subsection (C)(2)(c)(i) plus actual expenses.~~

(3) Source Test Protocol and Source Test Report Review Fees

(a) Any person required to submit a Source Test Protocol or Source Test Report to the District pursuant to the provisions of any by District rule or regulation; or state or federal law or regulation shall be assessed a Source Test Protocol or Source Test Report Review Fee to cover the reasonable costs and time required for District staff to review and approve of the documentation submitted which exceeds two (2) ~~ten (10)~~ hours.

(b) Such fee shall be calculated at the hourly labor rate specified in District Rule 301 subsection (C)(2)(c)(i) plus actual expenses.

(4) Solid Waste Disposal Site Fees

(a) Any owner/operator of a solid waste disposal site subject to H&S Code Section 41805.5 which is required to submit a Solid Waste Assessment Test (SWAT) Plan for District approval prior to conducting tests shall pay a filing fee of $110.00 ~~$105.00~~.

(b) Any owner/operator required to submit a SWAT Report following the completion of testing shall pay a filing fee of $110.00 ~~$105.00~~.

(c) Any owner/operator required to submit a SWAT Plan or Report shall also be assessed a SWAT Plan/Report Evaluation Fee.

(i) Such SWAT Plan/Report Evaluation Fee shall be calculated based upon the reasonable time required by District staff to review the applicable plan or report at the hourly labor rate specified in District Rule 301 subsection (C)(2)(c)(i) plus actual expenses.

(K) Fees for District Publications

(1) Any person receiving a publication for which a fee is charged shall be assessed the designated fee.

(a) The APCO shall designate those publications, including information circulars, reports of technical work, or other reports, prepared by the District for which a fee shall be charged.

(b) Such fee shall be established by the APCO in a sum not to exceed the cost of preparation and distribution of such documents. Such fees shall be deposited in the general funds of the District.

(c) Any person shall be entitled to receive one (1) copy of any District publication without charge.

(d) Nothing in this subsection shall be construed to limit the rights of any person or of the District pursuant to the California Public Records Act as

set forth in Chapter 3.5, Division 7 of Title 1 (commencing with §6250) of the Government Code.

(L) State Mandated Fees

(1) Air Toxics "Hot Spots" Information and Assessment Fees

(a) Any person subject to the provisions of the Air Toxics "Hot Spots" Information and Assessment Act as amended (H&S Code §§44300 et seq.) and the regulations promulgated thereunder shall be assessed an annual fee for the various state level components required by the Act. The fee schedule is set by the California Air Resources Board (CARB) and authorizes collection of the fee by the District pursuant to the provisions of the adopting regulation.

(2) Nonvehicular Source Fees

(a) Any person subject to the provisions of Subchapter 3.8 of Division 3 of Title 17 of the California Code of Regulations, commencing with §90800 shall pay an annual fee as authorized by the provisions of the regulation. The fee schedule is set by CARB and authorizes collection of the fee by the District pursuant to the provisions of the adopting regulation.

(3) Portable Equipment Inspection

(a) Any person subject to the Statewide Portable Equipment Registration Program (PERP) established by CARB pursuant to the provisions of H&S Code §§ 41750 et seq. and the regulations promulgated there under shall pay an inspection fee in the amount set forth in regulation for each registered portable engine or equipment unit inspected by the District.

(4) Other State Mandated Fees

(a) Any person subject to the provisions of a state adopted regulation or rule that assesses a fee to cover District costs for implementing such regulation and authorizes the collection of the fee by the District shall be assessed such fee pursuant to the provisions of the adopting regulation.

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(**Adopted:** 11/20/89; effective: 01/01/90; **Amended**: 06/22/15; **Amended**: 06/27/16; **Amended:** 06/26/17; **Amended**: mm/dd/yyyy)

Rule 303[1]
Hearing Board Fees

(A) General

(1) Purpose

(a) To set forth fees required for various proceedings brought before the Hearing Board.

(2) Applicability

(a) This rule applies to all applicants or petitioners bringing proceedings before the Hearing Board including, but not limited to, Federal, State or local government agencies or public districts.

(b) This rule shall not apply to petitions filed by the Air Pollution Control Officer (APCO).

(B) Fees

(1) Filing Fees

(a) Every applicant or petitioner in a proceeding before the Hearing Board shall pay to the Hearing Board, at the time of filing, a Filing Fee of $497.00 ~~$473.00~~ for each petition or application.

(2) Daily Appearance Fee

(a) In addition to the Filing Fee, each petitioner or applicant with a proceeding (designated by a case number) before the Hearing Board shall pay a Daily Appearance Fee of $607.00 ~~$578.00~~ per hearing day.

(i) This fee shall apply to the initial appearance before the full Hearing Board and all following appearances which pertain to the same proceeding as designated by case number.

(ii) After the initial appearance, the Daily Appearance Fee shall be waived for any appearance (pertaining to the same proceeding) which has duration of less than one (1) hour.

(iii) This fee shall apply regardless of the duration of the hearing, when the applicant is requesting a modification to an order for abatement.

[1] This amendment includes a five percent (5%) increase in most fees to recover the rising costs associated with issuing licenses and permits, performing investigations, inspections, and audits, and the administrative enforcement and adjudication thereof.

(iv) This fee does not apply to single member hearings provided pursuant to Health & Safety Code §§ 40824, 40285, 42351.5 or 42359.5.

(3) Publication Fees

(a) Upon demand and in addition to the payment of the foregoing fees, every petitioner for relief which requires published notice shall pay a fee to cover the actual cost of publication(s) of notice of hearing.

(4) Group Variance Fees

(a) Each petitioner included in a petition for a group variance shall pay the Filing Fee and the Excess Emissions Fee.

(b) The Daily Appearance Fee and the Publication Fee shall be totaled and divided equally among the petitioners.

(c) A Product Variance shall be treated as a single entity variance for the purpose of this section.

(5) Transcript Fees

(a) Any person requesting a transcript of the hearing shall pay the cost of such transcript. The parties to hearings and prehearing proceedings may be directed by the Hearing Board to pay the cost of transcripts necessary for the Hearing Board's determination of the matter, in such proportion as the Hearing Board may order.

(6) Excess Emission Fee

(a) Each applicant or petitioner for a variance from these rules and regulations shall pay to the District, if ordered by the Hearing Board, an Excess Emission Fee based on the total amount of emissions discharged.

(i) This fee shall be calculated in accordance with the schedule set forth in Table I.

(ii) Where the total excess emissions cannot be readily calculated, the petitioner shall work in concert with District staff to establish the amount of Excess Emission Fees to be paid. In cases where District staff determines calculations or estimations cannot be made the petitioner shall pay the Minimum Excess Emission Fee as set forth in subsection (B)(6)(c).

(iii) In the event that more than one (1) rule limiting the discharge of the same contaminant are violated, the Excess Emission Fee shall consist of the fee for violation which will result in the payment of the greater sum. For the purposes of this subsection opacity rules and particulate mass emissions shall not be considered rules limiting discharge of the same contaminant.

(iv) The Excess Emission Fee shall be calculated by the petitioner based upon the requested number of days of operation under variance multiplied by the expected excess emissions.

(v) If the amount of the excess emissions fee is less than the Minimum Excess Emission Fee the applicant or petitioner shall pay the higher amount.

(vi) The Hearing Board may adjust the Excess Emission Fee based on evidence regarding emissions presented at the time of the hearing.

(vii) The provisions of this subsection shall apply only to those rules or permit conditions that specify quantitative emission limits.

(b) Excess Visible Emission Fee

(i) Each applicant or petitioner for a variance from District Rule 401 or Health and Safety Code Section 41701 shall pay to the District, if ordered by the Hearing Board, a Excess Visible Emission Fee based on the difference between the percent opacity allowed by District Rule 401 and the percent opacity of the emissions allowed by the variance from the source or sources operating under variance in accordance with the schedule set forth in Table II.

(ii) In the event that an applicant or petitioner is exempt from the provisions of District Rule 401, the applicant or petitioner shall pay a fee calculated based upon the difference between the opacity allowed by variance and the opacity allowed under the provisions of Health and Safety Code, Section 41701, in accordance with the schedule set forth in Table II.

(iii) The Excess Visible Emission Fee shall be calculated by the petitioner based upon the requested number of days of operation under variance multiplied by the expected excess visible emissions.

(iv) The Hearing Board may adjust the Excess Visible Emissions Fee based on evidence regarding emissions presented at the time of the hearing.

(c) Minimum Excess Emission Fee

(i) When a variance is granted from a rule or rules which limit the discharge of air contaminants, such that an Excess Emission Fee is due, a fee of at least $110.00 ~~$105.00~~ per day, per source of emissions, shall be imposed and remitted.

(C) Payments Adjustments and Refunds

(1) Adjustment of Fees

(a) If after the term of a variance for which emissions fee have been paid, the applicant or petitioner can establish, to the satisfaction of the APCO, that the emissions were actually less than those upon which the fee was based,

or the Excess Emissions Fee calculations are otherwise incorrect, a pro rata refund shall be made.

(i) If the adjusted Excess Emissions Fee is less than the Minimum Excess Emission Fee then the applicant or petitioner shall pay the higher amount, unless otherwise ordered by the Hearing Board.

(2) Discretionary Powers

(a) Any person may allege that payment of any of the fees within this rule, excluding publication fees, will cause an unreasonable hardship, and may be excused from payment of such fees or a portion of such fees, by order of the Hearing Board if the Hearing Board, in its discretion, determines after hearing evidence thereon that payment of such fees would cause financial or other unreasonable hardship to the applicant or petitioner.

(3) Emission Fee Refund

(a) In the event that the petition is withdrawn or the hearing is not held for any other reason, or the variance is denied, the applicant or petitioner shall be entitled to a full refund of the emission fees.

(4) Fee Payment

(a) Filing Fees are due upon the filing of the petition.

(b) Daily Appearance Fees and Publication Fees and Transcript are due and payable within fifteen (15) days of notification of the amount due. Petitioners shall be notified in writing of the amount due.

(c) Excess Emissions Fees, Excess Visible Emissions Fees and Minimum Excess Emissions Fees as calculated on the petition, or ordered by the Hearing Board at the variance hearing, are due and payable within fifteen (15) days of notification of calculation and amount of such fee. Applicants or petitioners shall be notified in writing of the calculation and the amount due.

(d) Adjustments increasing the amount of the Excess Emissions Fee, Excess Visible Emission Fee or Minimum Excess Emission Fee, following District staff's verification of the emissions are due and payable within fifteen (15) days of notification of the amount due. Petitioners shall be notified in writing of the amount due.

(e) Notification may be given by personal service or by deposit in the First Class mail and shall be considered effective upon the date of personal service or five (5) days from the date of mailing.

(f) For the purpose of this rule, the fee payment shall be considered to be received by the District if it is postmarked by the United States Postal Service on or before the expiration date stated on the billing notice. If the expiration date falls on a Saturday, Sunday, or a state holiday, the fee payment may be postmarked on the next business day following the Saturday, Sunday, or the state holiday with the same effect as if it had been postmarked on the expiration date.

(g) Invalidation for Failure to Pay Fees

(i) Failure to pay any fee when due shall automatically invalidate the variance.

(h) Request for Time Extension of Payment Due

(i) Whenever this rule requires fees to be paid by a certain date, in order to avoid invalidation of a variance or refusal of acceptance of other petitions, the applicant or petitioner may, for good cause, request the APCO to grant an extension of time, not to exceed ninety (90) days, within which the fees shall be paid. Any request for extension of time shall be presented in writing, and accompanied by a statement of reasons why the extension should be granted.

(i) The Hearing Board, upon good cause shown, may authorize incremental payments of Excess Emission Fees, Excess Visible Emission Fees or Minimum Excess Emission Fees.

(j) Service Charge for Returned Check

(i) Any person who submits a check to the District on insufficient funds or on instructions to stop payment on the check, absent an overcharge or other legal entitlement to withhold payment, shall be subject to a $25.00 service charge.

(5) Filing Fee Refunds

(a) The Filing Fee or a portion of the Filing Fee may be refunded to the petitioner in the following circumstances:

(i) When the Hearing Board reverses the decision of the APCO in an appeal from denial or a conditional approval of a Authority to Construct or a Permit to Operate.

(ii) When the petition is withdrawn, and the applicant or petitioner notifies the Hearing Board in writing not less than four (4) days prior to the scheduled appearance, or the hearing is not held for any other reason, the applicant or petitioner shall be entitled to a refund of fifty percent (50%) of the filing fee.

(6) Waiver of Fees

(a) All fees associated with this rule shall be waived for any petition for a variance filed as the result of any event declared to be a "state of emergency" by the local, state, or federal authorities.

TABLE I

SCHEDULE OF EXCESS EMISSIONS FEES

AIR CONTAMINANT	DOLLARS PER TON
Total organic gases, except those containing sulfur	$110.00 ~~$105.00~~
Carbon monoxide	$2.00
Oxides of nitrogen (expressed as nitrogen dioxide)	$110.00 ~~$105.00~~
Oxides of sulfur (expressed as sulfur dioxide)	$110.00 ~~$105.00~~
Particulate matter	$110.00 ~~$105.00~~

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TABLE II

SCHEDULE OF EXCESS VISIBLE EMISSION FEE

For each source with opacity emissions in excess of twenty (20) percent, the allowable limit set forth in District Rule 401, or Section 41701 of the State Health and Safety Code, the fee is calculated as follows:

DISTRICT RULE 401

$$Fee = (Opacity^{*}\ equivalent - 20) \times number\ of\ days\ allowed\ by\ variance \times \$3.00$$

HEALTH AND SAFETY CODE SECTION 41701

$$Fee = (Opacity^{*}\ equivalent - 40) \times number\ of\ days\ allowed\ by\ variance \times \$3.00$$

*Where "Opacity" equals maximum opacity of emissions, in percent of equivalent opacity in terms of Ringelmann numbers, allowed by the variance.

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(**Adopted:** 11/20/89; effective: 01/01/90; **Amended**: 06/22/15; **Amended**: 06/27/16; **Amended:** 06/26/17; **Amended**: mm/dd/yyyy)

Appendix "B"

Public Notice Documents

1. Proof of Publication – Daily Press
2. Proof of Publication – Riverside Press Enterprise

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PROOF OF PUBLICATION

(2015.5 C.C.P.)

STATE OF CALIFORNIA,
County of San Bernardino

I am a citizen of the United States and a resident of the County aforesaid; I am over the age of eighteen years, and not a party to or interested in the above entitled matter. I am the principal clerk of the publisher of the DAILY PRESS, a newspaper of general circulation, published in the City of Victorville, County of San Bernardino, and which newspaper has been adjudicated a newspaper of general circulation by the Superior Court of the County of San Bernardino, State of California, under the date of November 21, 1938, Case number 43096, that the notice, of which the annexed is a printed copy (set in type not smaller than nonpareil), has been published in each regular and entire issue of said newspaper and not in any supplement thereof on the following dates, to-wit:

July 13

All in the year 2018.

I certify (or declare) under penalty of perjury that the foregoing is true and correct.

Dated this: 13th **day of** July, **2018**

Signature

Leslie Jacobs

This space is the County Clerk's Filing Stamp

Proof of Publication of
NOTICE OF
PUBLIC HEARING

THE PRESS-ENTERPRISE

1825 Chicago Ave. Suite 100
Riverside, CA 92507
951-684-1200
951-368-9018 FAX

PROOF OF PUBLICATION
(2010, 2015.5 C.C.P)

Publication(s): The Press-Enterprise

PROOF OF PUBLICATION OF

Ad Copy:

I am a citizen of the United States. I am over the age of eighteen years and not a party to or interested in the above entitled matter. I am an authorized representative of THE PRESS-ENTERPRISE, a newspaper in general circulation, printed and published daily in the County of Riverside and which newspaper has been adjudicated a newspaper of general circulation by the Superior Court of the County of Riverside, State of California, under date of April 25, 1952, Case Number 54446, under date of March 29, 1957, Case Number 65673, under date of August 23, 1995, Case Number 267864, and under date of September 16, 2013, Case Number RIC 1300013; that the notice, of which the annexed is a printed copy, has been published in said newspaper in accordance with the instructions of the person(s) requesting publication, and not in any supplement thereof on the following dates, to wit:

07/13/2018

I certify (or declare) under penalty of perjury that the foregoing is true and correct.

Date: July 13, 2018
At: Riverside, California

Legal Advertising Representative, The Press-Enterprise

MOJAVE DESERT AQMD
14306 PARK AVE
ATTN: D. HERNANDEZ
VICTORVILLE, CA 92392

Ad Number: 0011148658 0

P.O. Number:

MOJAVE DESERT

NOTICE OF PUBLIC HEARING

NOTICE OF PUBLIC HEARING
MDAQMD PROPOSED BUDGET FOR FISCAL YEAR 2018-19

NOTICE IS HEREBY GIVEN that the Governing Board of the Mojave Desert Air Quality Management District (MDAQMD) will hold a public hearing for the exclusive purpose of considering the Proposed Budget for Fiscal Year 2018-19. Comments regarding the proposed budget may be submitted in writing prior to, at, or during the hearing.

DATE: August 27, 2018 TIME: 10:00 A.M.
LOCATION: 14306 Park Avenue, Victorville, CA 92392

Copies of the Proposed Budget for 2018-19 are posted on the www.mdaqmd.net website, copies are also available and may be requested at the MDAQMD Offices, 14306 Park Avenue, Victorville, CA 92392. Paper copies may be obtained by written request and a check for $15.00 made payable to the MDAQMD at 14306 Park Avenue, Victorville, CA 92392. An electronic copy may be provided at no charge by request to fiscal@mdaqmd.net.

Written comments on the budget should be received on or before September 21, 2018 to be considered. Please contact Jean Stoker at (760) 245-1661 extension 6126 for additional information.

NOTICE OF AVAILABILITY OF DRAFT RULE AND PUBLIC HEARING REGARDING PROPOSED AMENDMENTS TO REGULATION III - FEES

NOTICE IS HEREBY GIVEN that the Governing Board of the MDAQMD will hold a public hearing regarding proposed amendments to Regulation III – Fees, specifically Rules 301, 304, 306, and the addition of Rule 309 – Delinquency Penalty at the same time and place mentioned above.

Due to increases in several operating expenses, revenue increases are needed in order to balance the budget. The MDAQMD is proposing a fee increase of 2.25% with an effective date of July 1, 2018 to address the fiscal gap and maintain the agency's ability to fulfill its mandates, responsibilities and duties and the administration of Clean Air Act Implementation Fee revenue.

If you would like a copy of the proposed amendments, you may request one by calling (760) 245-1661. Copies are also available at the MDAQMD offices and a copy will be posted on the MDAQMD website at www.mdaqmd.net. You are also invited to provide comments on proposed amendments to Regulation III – Fees. Comments regarding the proposed amendments may be presented at the meeting and/or submitted in writing to: Mojave Desert Air Quality Management District, 14306 Park Avenue, Victorville, CA 92392-2510, and Attention: Rule Comments.

Written comments should be received on or before August 24, 2018 in order to be considered with a response. If you have any questions, please feel free to contact Ms. Jean Stoker (760-245-1661 extension 6126) or Mr. Alan De Salvio at (760-245-1661 extension 6251).

RECEIVED
MDAQMD
CLERK OF THE BOARD
18 JUN 19 PM 1:31

Appendix "C"
Public Comments and Responses

No comments received to date.

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Appendix "D"

California Environmental Quality Act
Documentation

1. Draft NOE – San Bernardino County
2. Draft NOE – Riverside County

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NOTICE OF EXEMPTION

TO: County Clerk
San Bernardino County
385 N. Arrowhead, 2nd Floor
San Bernardino, CA 92415

FROM: Mojave Desert
Air Quality Management District
14306 Park Ave
Victorville, CA 92392-2310

_X_ MDAQMD Clerk of the Governing Board

PROJECT TITLE: Amendment of MDAQMD Regulation III – *Fees* and Adoption of Rule 300 – *Delinquency Penalty*

PROJECT LOCATION – SPECIFIC: San Bernardino County portion of the Mojave Desert Air Basin and Palo Verde Valley portion of Riverside County.

PROJECT LOCATION – COUNTY: San Bernardino and Riverside Counties

DESCRIPTION OF PROJECT: Overall increases in operating expenses require adjustments in permit fees from time to time. The MDAQMD is proposing to amend Regulation III – *Fees* with a fee increase of five percent (5%) to recover the rising costs associated with issuing licenses and permits, performing investigations, inspections, and audits, and the administrative enforcement and adjudication thereof. The MDAQMD is also proposing to adopt Rule 300 – *Delinquency Penalty* and incorporate it to Regulation III – *Fees* to encourage timely payments of fees and recover recurring costs associated with delinquent fees and delinquency cases.

NAME OF PUBLIC AGENCY APPROVING PROJECT: Mojave Desert AQMD

NAME OF PERSON OR AGENCY CARRYING OUT PROJECT: Mojave Desert AQMD

EXEMPT STATUS (CHECK ONE)

Ministerial (Pub. Res. Code §21080(b)(1); 14 Cal Code Reg. §15268)
Emergency Project (Pub. Res. Code §21080(b)(4); 14 Cal Code Reg. §15269(b))
_X_ Categorical Exemption – Class 8 (14 Cal Code Reg. §15308)

REASONS WHY PROJECT IS EXEMPT: The proposed amendments to Regulation III and adoption of Rule 300 are exempt from CEQA review. There is no potential that the amendments might cause the release of additional air contaminants or create any adverse environmental impacts because the proposed amendments only adjusts fees, makes minor format corrections, and provides clarification. Therefore, a Class 8 categorical exemption (14 Cal. Code Reg. §15308) applies.

LEAD AGENCY CONTACT PERSON: Brad Poiriez **PHONE:** (760) 245-1661

SIGNATURE: _____ **TITLE:** Executive Director **DATE:** 08/28/18

DATE RECEIVED FOR FILING:

NOTICE OF EXEMPTION

TO: Clerk/Recorder
Riverside County
3470 12th St.
Riverside, CA 92501

FROM: Mojave Desert
Air Quality Management District
14306 Park Ave
Victorville, CA 92392-2310

X MDAQMD Clerk of the Governing Board

PROJECT TITLE: Amendment of MDAQMD Regulation III – *Fees* and Adoption of Rule 300 – *Delinquency Penalty*

PROJECT LOCATION – SPECIFIC: San Bernardino County portion of the Mojave Desert Air Basin and Palo Verde Valley portion of Riverside County.

PROJECT LOCATION – COUNTY: San Bernardino and Riverside Counties

DESCRIPTION OF PROJECT: Overall increases in operating expenses require adjustments in permit fees from time to time. The MDAQMD is proposing to amend Regulation III – *Fees* with a fee increase of five percent (5%) to recover the rising costs associated with issuing licenses and permits, performing investigations, inspections, and audits, and the administrative enforcement and adjudication thereof. The MDAQMD is also proposing to adopt Rule 300 – *Delinquency Penalty* and incorporate it to Regulation III – *Fees* to encourage timely payments of fees and recover recurring costs associated with delinquent fees and delinquency cases.

NAME OF PUBLIC AGENCY APPROVING PROJECT: Mojave Desert AQMD

NAME OF PERSON OR AGENCY CARRYING OUT PROJECT: Mojave Desert AQMD

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LEAD AGENCY CONTACT PERSON: Brad Poiriez **PHONE:** (760) 245-1661

SIGNATURE: _____ **TITLE:** Executive Director **DATE:** 08/27/18

DATE RECEIVED FOR FILING

Appendix "E"
Bibliography

The following documents were consulted in the preparation of this staff report.

1. League of California Cities – *Proposition 26 Implementation Guide*. (April 2011): http://www.cacities.org/Resources-Documents/Policy-Advocacy-Section/Hot-Issues/Proposition-26-Implementation-Guide
2. CPI Detailed Report-February 2018: https://www.bls.gov/cpi/tables/supplemental-files/c-cpi-u-201802.pdf

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Appendix "F"

Cost Analysis

1. Mojave Desert AQMD Cost Recovery Detail, 2018.

2018 Mojave Desert AQMD Cost Recovery Detail

1. The District's proposed 5% fee increase will recover a portion ($218,000) of the increase projected for expenditures ($475,000) related to the costs of the permitting program and implementing district rules and regulations; issuing air quality permits, performing facility inspections, and public complaint investigations and rule development activities. Funds from other sources including the use of AB2766 (Motor Vehicle Registration Fee Program) fees, State subvention funds, contracts, and implementation of cost reductions will be utilized to recover the difference ($257,000).

2. The proposed 5% fee increases constitute less than half of the total projected cost increases for fiscal year 2018/2019. Eighty (80%) of the District's 35 contracted staff positions are involved in the full-time issuance of permits, the inspection and enforcement of such permits or the administration of the permit issuance, and management and/or renewal processes; other District employees are partially involved in these activities. The District's mandated functions such as compliance, permit issuance, and permit administration are labor-intensive, therefore the related revenue should be structured to support the relevant regulatory and administrative activities. The proposed increases are expected to meet 46% of the $475,000 deficit related to the costs of the permitting program. Funds from other sources, including the use of additional AB2766 grant support revenue, State fees, and cost reductions are expected to fully close the $257,000 gap. Therefore, the proposed fee adjustment is well within the provisions of Health & Safety Code §42311(a) and falls within the exemption found in Article XIIIC §1(e)(3) of the California Constitution.

The following page(s) contain the backup material for Agenda Item: Conduct a Public Hearing to receive comments and staff presentation for the proposed MDAQMD Budget for FY 2018-19: a. Open public hearing; b. Receive staff report; c. Receive public testimony; d. Close public hearing and continue the item to the Governin

MINUTES OF THE GOVERNING BOARD
OF THE MOJAVE DESERT AIR QUALITY MANAGEMENT DISTRICT
VICTORVILLE, CALIFORNIA

AGENDA ITEM #16

DATE: August 27, 2018

RECOMMENDATION: Conduct a Public Hearing to receive comments and staff presentation for the proposed MDAQMD Budget for FY 2018-19: a. Open public hearing; b. Receive staff report; c. Receive public testimony; d. Close public hearing and continue the item to the Governing Board meeting of June 25, 2018 for adoption.

SUMMARY: A Public Hearing is required to receive public comments regarding the proposed MDAQMD Budget for FY 2018-19. Staff will present the proposed budget and answer questions.

CONFLICT OF INTEREST: None.

BACKGROUND: The budget process includes the presentation to the Governing Board of staff's expectations for current year end performance and recommendations for programs and projects for the new fiscal year. Opportunity for public comment is required by law and incorporated into the process. Due to a procedural error, notice of the Public Hearing was not published in a newspaper of general circulation. This item allows opportunity for anyone to comment, including those who respond to the published notice.

The MDAQMD Budget Committee (Jeff Williams, Carmen Hernandez, and Paul Russ) met with staff and reviewed the District's financial condition and staff recommendations.

The Proposed Budget for FY 2018-19 was published again on July 23, 2018. A notice was mailed again on or about July 9, 2018 to each permit holder informing them the budget was published and available for review and comment. The proposed budget is also published on the District website. The published budget includes all District funds however, in general the Public Hearing presentation will focus on the performance and activities of the General Fund. The Proposed Budget for FY 19 will be presented to the Governing Board for adoption by Resolution on September 24, 2018. The table attached provides detail for the end of year projections and the proposed budget.

FY 18 Budget Summary (comparing FY 18 Budget):

- The MDAQMD FY 19 Proposed Budget for the General Fund Expenses is $7,787,016; the projected General Fund Revenue is $7,689,322. If executed as presented, the District will draw $97,694 from reserves.
- General Fund Revenue is projected to increase $536,372 due in part to a proposed 5% increase to fees, an additional allocation of $157,000 from AB 2766 revenue, and $158,000 from various new funding streams generated from the State.
- General Fund Operating Expenses are increased $42,576 from FY 18 for inflationary increases. General Fund Personnel Expenses are increased $653,990 from FY 18 Budget and includes two new full time positions, an 2.5% increase to retirement contributions, a 2% COLA, a 1% reduction to the District's retirement pickup obligation, and incorporates expected increases to health benefits, and benefits negotiated and not included in the FY 18 Budget. Full Time Equivalents (FTE) are funded at 40 full time positions, and all positions are filled.
- Capital Expenses are reduced $62,500 from FY 18 primarily reducing the District's reliance on an outside contractor for software application support.
- Special Funds, including grant program revenue (AB 2766, Carl Moyer Program, and various new funding streams generated from the State), includes allocations to support the administration of each program. Restructuring the MDAQMD Mobile Source Emission Reductions Program increased administrative allocation and fixed contributions to various eligible projects.

REASON FOR RECOMMENDATION: Opportunities for public comment about the District's proposed budget is required by statute. The Proposed Budget for FY 19 will be presented for adoption by resolution on September 24, 2018.

REVIEW BY OTHERS: This item was reviewed by Karen Nowak, District Counsel as to legal form and by Brad Poiriez, Executive Director/APCO on or about July 23, 2018.

FINANCIAL DATA: No increase in appropriation is anticipated for this Public Hearing.

PRESENTER: Jean Bracy, Deputy Director – Administration

FY 18 End of Year Estimates	FY 19 Proposed Budget
Revenue *(page 5-6)*	**Revenue** *(page 5-6)*
• **Annual permit revenue** is estimated to fall short of budget expectations by $30,000, less than 0.7%. • **Application fees** are collected on demand as permits are required. The increase in revenue reflects an increased level of activity during the fiscal year. • **Fines and Penalties** are assessed as needed to enforce compliance with regulations. These are not used to balance the District's budget. During the fiscal year a certain enforcement action was resolved during the fiscal year generating a onetime extraordinary fine. Revenue exceeding the budget will be transferred to the MDAQMD Clean Air Fund for eligible projects. • Revenue from Programs: – **AB 2766.** The $4 fee is assessed on every vehicle registered in the District's jurisdiction. On March 26, 2018 the Board approved a program restructure. The District's General Fund receives 60% of revenue generated for activities and programs that support the Mobile Emissions Reduction Program. Revenue estimates for the year end indicate a 4.5% increase. – The District invoices on behalf of the ARB a fee allowable under the **California Clean Air Act** to the District's largest facilities; the District retains an administrative fee based on the amount of the invoice. – **Hot Spots.** Also known as the Toxic Emissions Inventory, specific permit holders are invoiced for the purpose of maintaining an inventory of specific air toxics. • **Other Revenue** reflects the revenue derived from contracts for services and the District's service contract with **Antelope Valley AQMD**. • **State revenue** is derived from a State General Fund allocation called "**Subvention**." This direct allocation from the State's General Fund tends to be relatively stable year to year. New revenue in FY 18 came from the California Air Resources Board totaling about $450,000 from legislation addressing clean air initiatives (such as AB 197, AB 617, AB 134).	• The budget projections for the District's total General Fund Revenue are an increase of 7.5% over the FY 18 Budget. The FY 19 expected revenue of $7,689,322 is a 2.5% increase over the estimated year end revenue for FY 18, due – in part – to the proposed increase to fees, new funding sources generated by the State, and projected increase in AB 2766. • **Regulation III Fee Increase.** This Budget includes a recommended 5% increase on all fees, which is expected to increase fee-related revenue about $218,000. Fee adjustment recommendations are calculated to recover direct costs associated with permit related activities. However, this projected fee increase will likely cover 46% of the estimated cost increases in FY 19. Total estimated increase for permit-related costs for FY 19 (requiring 10.75% fee increase: $475,000 A 5% increase is expected to generate: $218,000 As noted above, staff recommendations for adjustment to fees are related to ongoing and expected cost increases. The funding gap will be met the funding derived from State initiatives adopted during the last fiscal year and increased allocation from AB 2766. Staff has also proposed for the Board to consider initiating a late penalty fee. • **Fines and Penalties**. Staff recommends establishing a relationship between the permit volume and reasonable expectation of non-compliance. Among air districts, 2% is becoming a common metric for this relationship. The budget for FY 19 has been increased to $83,000, about 1.8% of the revenue from annual permit renewals. • **Revenue from Programs**. AB 2766 revenue continues to steadily grow each year and this budget anticipates a moderate increase of about 4.5%. The budget includes an increase in the allocation from the total revenue received. Overall, revenue projections for FY 19 are based on revenue estimates from FY 18. Impacts on revenue streams derived from the Federal Administration remain uncertain. Several of the initiatives that passed through revenue in FY 18 appear to have a continuing life expectancy.

FY 18 End of Year Estimates	FY 19 Proposed Budget
Personnel Expenses *(page 40)*	**Personnel Expenses** *(page 40)*
Significant organizational restructuring affected the Budget performance information. Midyear changes included position reassignments between cost centers, filling vacant positions, adding two new positions, and reassignment of a position from AVAQMD. This combination of events including cash payments made to separating employees for accrued leave and over estimates for retirement costs caused end of year estimates to exceed budget estimates by $94,869, about 1.5%. In total, six new employees joined the District in early 2018. Personnel costs comprise nearly 87% of the District's operating budget. Labor negotiations concluded last year included a shift in the employee cost of retirement contributions. FY 18 was the first year of a five year contract annually reducing by 1% the amount "picked up" by the District for each employee's required retirement contribution.	This Budget anticipates personnel costs to increase from the FY 18 Budget, nearly 7.5% for the normal cost of conducting the District's business, about $653,990. These cost increases are offset to some extent by additional revenue. This Budget includes the full year cost of 40 filled positions. Retirement contributions paid by the District for pre-PEPRA employees will increase 2.5% **Labor Agreement.** FY 19 is the second year of a five year labor agreement. This budget includes a 2% COLA and various benefits. Changes to the health insurance are estimates as actual cost changes have not been reported. Retirement cost shifts continue as pre-PEPRA employees will pick up an additional 1% of the required employee contribution and the District's pickup will be reduced to 5% (down from 7% in FY 17).

FY 18 End of Year Estimates	FY 19 Proposed Budget
Operating Expenses *(summary pages 41-42, graph page 39)*	**Operating Expenses** *(summary pages 41-43, detail pages 37-38, graph page 39)*
Estimates indicate the District will spend over budget nearly 18% (about $155,353). This estimate could change with the results of the final quarter of the fiscal year. Extraordinary and unexpected expenses during the year included on site security for a period of time, legal expenses related to ongoing litigation, and equipment purchases funded with new sources of state revenue. **Overall**, the performance for the FY 18 Budget indicates expenses will exceed revenue by 2.72%, approximately $194,631. Funds are available in the Budget Stabilization Reserves and Operating Reserves if the year-end actuals close in excess of the FY 18 Adopted Budget.	• The Operating Budget recommendations are increased 5% ($42,500) from the prior year budget. Estimates have been adjusted between cost centers. • The District's Fleet Management policy schedules replacing and purchasing two vehicles. • The District will continue to contribute to MEEC for environmental education in the amount of $90,000. • Ongoing claims and related litigation will impact costs associated with coverages for Property and Liability, approximately 16%, about $8,000. • With funds provided by the California Air Resources Board, the District will continue to participate in Community Air Protection Program providing education opportunities and local monitoring. • This budget includes resources for services to develop the engineering plan to secure the north parking lot, with a long range plan for cover with additional solar capability. Also, included are resources to develop a five year capital replacement plan. • **Overall**, the FY 19 General Fund Budget will use $97,694 from reserves if executed as presented.
Capital Expenses	**Capital Expenses**
During the year air monitoring equipment was purchased including a mobile unit to increase the District's ability to monitor the results of extraordinary conditions such as wild fires; two vehicles were replaced with new purchases; replaced the sound system for the video teleconferencing system; building improvements were made for safety, maintenance, and repurposing space throughout the facility.	Plans for capital expenditures were reduced $62,500 which represents eliminating services for the District's primary business software application CAPs and extra building projects. Budget is allocated for air monitoring equipment, two vehicles, and improvements as needed for safety and maintenance.

1993-2018

MOJAVE DESERT
air quality management district

25 years

Clean air is *everybody's* business.

PROPOSED BUDGET

FISCAL YEAR 2018-19

July 1, 2018

Mojave Desert Air Quality Management District
14306 Park Avenue, Victorville, CA 92392-2310
760.245.1661 • www.mdaqmd.ca.gov

Brad Poiriez, ***Executive Director***

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Mojave Desert Air Quality Management District
14306 Park Avenue
Victorville, CA 92392-2310
(760) 245-1661

July 23, 2018

This year the MDAQMD acknowledges 25 years as the local air district tasked with attaining and maintaining healthful air quality while supporting strong, sustainable economic growth in the communities of our jurisdiction.

This is the District's proposed budget for the Fiscal Year 2018-19. This document recommends uses of resources for the required, necessary and desired services as established by the MDAQMD Governing Board and various Federal, State, and local regulations. A budget is designed to provide the Board and staff the tool from which sound fiscal management decisions may be made.

A Public Hearing will be held August 27, 2018, and will be continued to September 24, 2018 to receive public comments concerning this proposed budget.

The Consolidated Budget (accounting for all funds) includes projected revenues and proposed expenses for all MDAQMD activity, including the grant programs. Specifically, the General Fund revenue is projected to be $7,689,322, a 7.5% increase from the prior fiscal year. This budget includes a recommended increase to Regulation III, Fees, proposing a 5.0% fee increase effective January 1, 2019. As presented this budget expects to use up to $97,694 of reserves if executed as presented.

The General Fund expenses projected for personnel, operations and capital expenditures are $7,787,016. This amount reflects an overall increase of nearly 9% from the budget for the prior fiscal year imposing cuts to operational expenditures. The budgeted expenditures include continuing projects to help streamline government and regulatory functions.

The MDAQMD is a service agency in which personnel expenses will comprise about 87% of the operations budget. The Table of Organization for FY 19 includes the total of 40 full time positions. The budget for Personnel Expenses includes various adjustments for employer required retirement contributions.

Governing Board Policy 02-01 requires adequate reserves for operating expenses. This budget funds the Operating Reserves to the policy limit. This budget assigns a portion of the fund balance for building improvements, for anticipated legal and litigation costs associated with ongoing CEQA challenges, and budget stabilization. It also assigns a portion to be used to address the District's future retirement obligations.

This budget represents a financial plan to meet this year's obligations and challenges and is proposed to be effective retroactive to July 1, 2018. On behalf of the management and staff of the District, this budget is presented for consideration for the Fiscal Year 2018-19.

Sincerely,

Brad Poiriez
Executive Director/APCO

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TABLE OF CONTENTS

Message from the Executive Director .....

Table of Contents.....

District Organizational Chart 1

Governing Board Members..... 2

MDAQMD Jurisdiction Area (Map) 3

General Fund Consolidated Budget..... 4

Budgeted Sources of Revenue (Chart) 5

General Fund Revenue Budget Detail..... 6

Introduction and District Programs and Projects..... 8

Air Quality Programs

- Air Monitoring Program 9-12
- Planning, Rulemaking, & Compliance Programs 13-16
- Permit Engineering Program 17-20
- Community Relations & Education.....21-24

Support Programs

- Executive Office.....25-28
- Administrative Services 29-32
- District Wide.....33-36

Expenditure Detail.....37-38

Budgeted Expense Analysis (Chart) 39

General Fund Consolidated Summary Expense Budget.....40-42

Special Funds Consolidated Budget Detail 43

Summary of Board Policy and Standard Practice.....44

Organizational Chart.....46

Table of Organization 47

Salary Schedule.....48

Designation of Fund Balances (General Fund) 49

Fund Balance Descriptions 50

Consolidated (All Funds) 51

Year to Year Comparison 52

Budget Category Descriptions 53-55

Acronyms 56

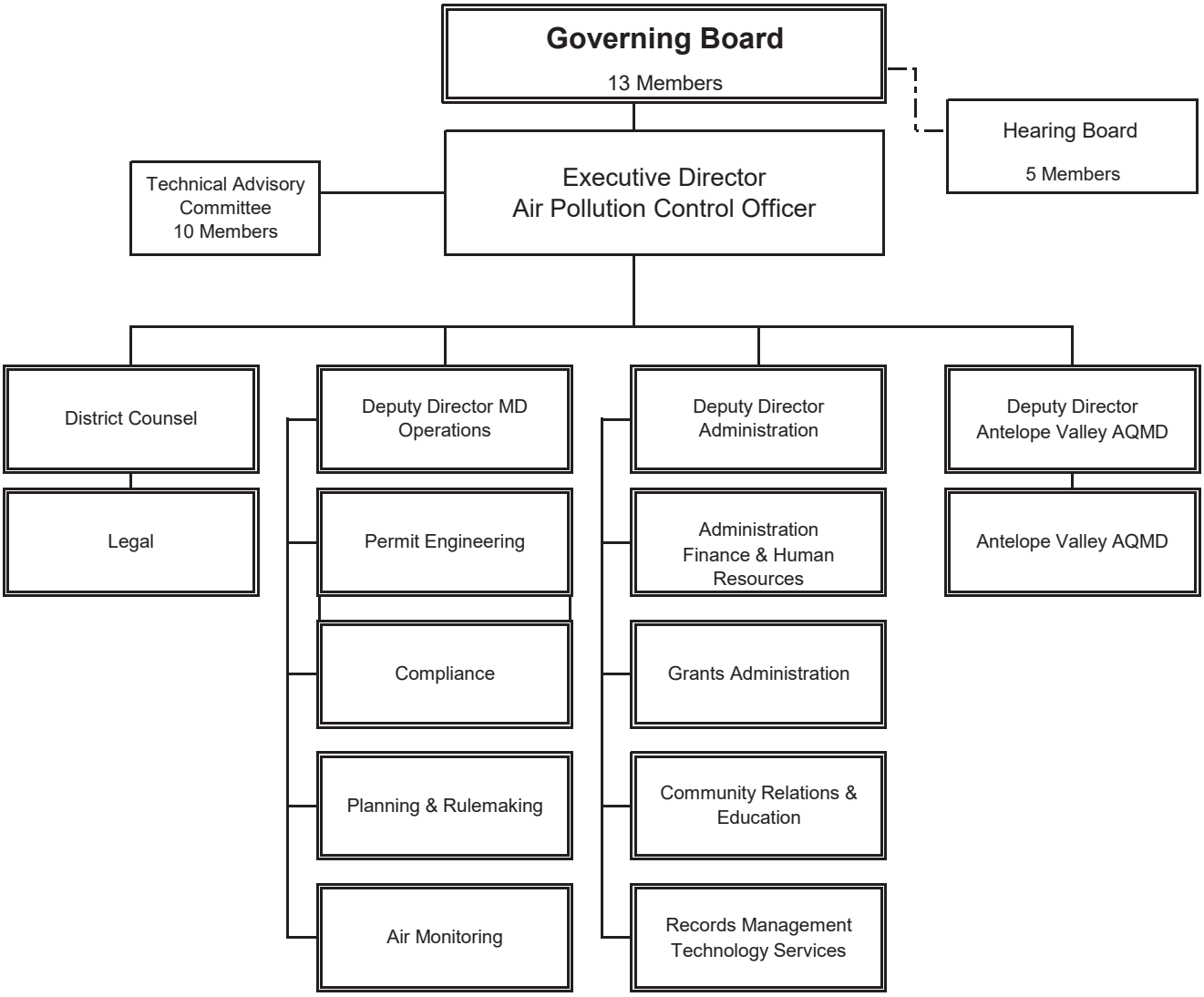
Governing Board Action ..... TBD

Resolution 18-XX Approving and Adopting the Budget for FY 2018-19 ..... TBD

Mojave Desert Air Quality Management District

District Organization

FY 2018-19



Governing Board 2019

James L. Cox, *Chair*
City of Victorville

Jeff Williams, *Vice Chair*
City of Needles

Ed Camargo,
City of Adelanto

Barb Stanton
Town of Apple Valley

Carmen Hernandez
City of Barstow

Joseph "Joey" DeConinck
City of Blythe

John Cole
City of Twentynine Palms

Robert Leone
Town of Yucca Valley

Paul Russ
City of Hesperia

Barbara Cram Riordan
Public Member

Manuel Perez, *Supervisor*
County of Riverside

James Ramos, *Supervisor*
County of San Bernardino

Robert Lovingood, *Supervisor*
County of San Bernardino

Executive Staff

Brad Poiriez
Executive Director

Karen K. Nowak
District Counsel

Jean Bracy, Deputy Director
Administration

Alan De Salvio, Deputy Director
Mojave Desert Operations

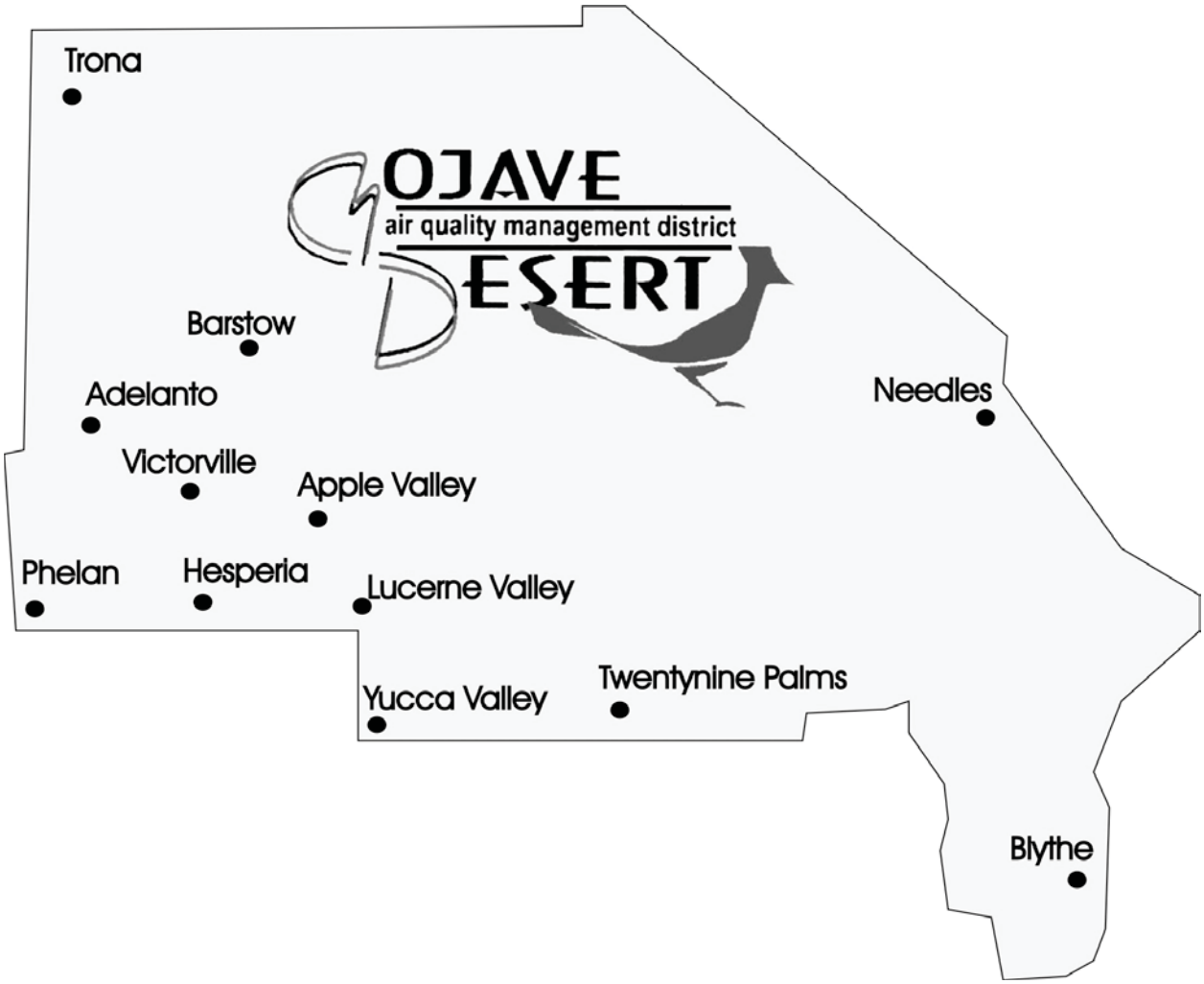
Bret Banks, Deputy Director
Antelope Valley Operations

Deanna Hernandez
Senior Executive Analyst-Confidential

Mojave Desert Air Quality Management District
Jurisdiction

Our district encompasses the desert portion of northern San Bernardino County, as well as the Palo Verde Valley in Riverside County. Our boundaries cover the area from the summit of Cajon Pass to Inyo County, east to the Colorado River and the Arizona and Nevada state lines, and westward to Los Angeles and Kern County Lines. In all, our district covers approximately 21,000 square miles.

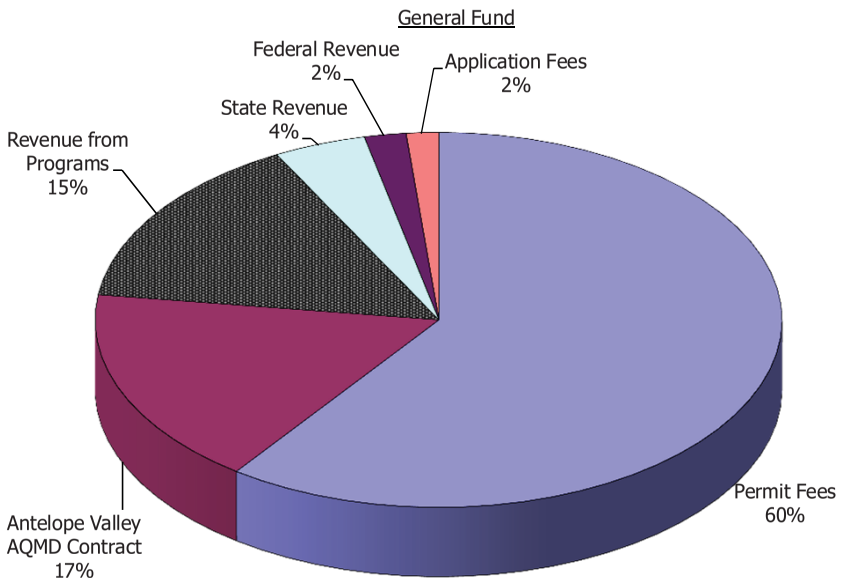
Map not to scale

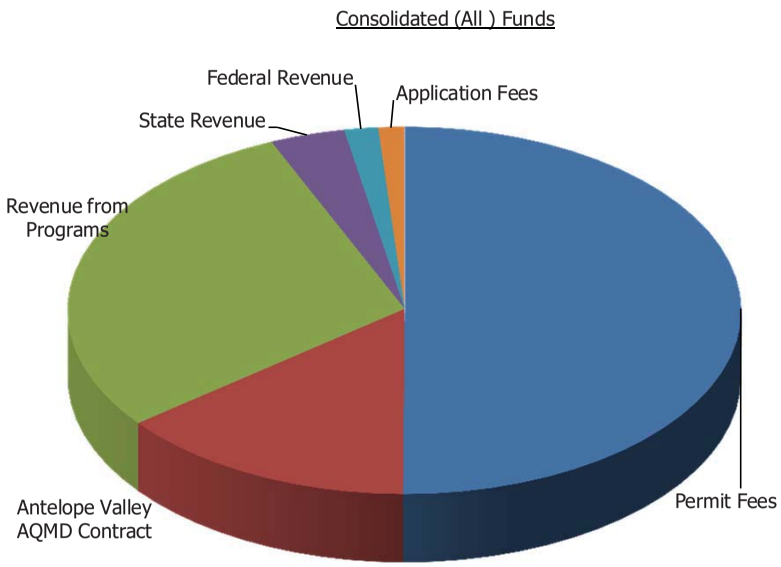


Mojave Desert AQMD
General Fund Budget

	Adopted Budget FY 2018	End-of-Year Estimates FY 2018	Proposed Budget FY 2019
Revenues			
Permit Fees	4,400,000	4,370,455	4,555,000
Application Fees	81,000	136,371	116,000
Federal Revenue	132,900	141,174	148,900
Fines & Penalties	82,000	191,591	83,000
Interest Income	12,000	17,551	16,000
Other Revenue	1,313,050	1,246,290	1,300,250
Revenue from Programs	954,000	1,069,289	1,141,000
State Revenue	178,000	329,174	329,172
Total Revenues	**7,152,950**	**7,501,895**	**7,689,322**
Expenses			
Personnel Expenses			
Salaries & Wages	3,582,516	4,352,474	4,426,130
Payroll Taxes	122,766	118,375	101,720
Benefits	645,723	548,979	661,227
Retirement	1,742,674	1,442,738	1,558,592
Total Personnel Expenses	**6,093,679**	**6,462,566**	**6,747,669**
Operating Expenses			
Communications	95,375	73,212	76,577
Dues & Subscriptions	42,350	50,298	50,860
Non-Depreciable Inventory	20,700	36,127	36,600
Legal	61,096	85,218	37,000
Maintenance & Repairs	87,350	77,886	68,890
Training & Travel	75,750	75,181	82,950
Vehicles	67,250	65,929	65,085
Office Expenses	222,900	272,339	248,335
Program Expenses	90,500	178,568	93,702
Professional Services	99,500	93,023	137,848
Miscellaneous Expenses	4,000	14,343	11,500
Total Operating Expenses	**866,771**	**1,022,124**	**909,347**
Capital Expenses			
Buildings	30,000	15,327	0
Improvements	0	0	15,000
Equipment	60,000	60,035	60,000
Vehicles	50,000	56,178	55,000
Software	52,500	5,369	0
Total Capital Expenses	**192,500**	**136,909**	**130,000**
Total Expenses	**7,152,950**	**7,621,599**	**7,787,016**
Due To (From) Reserves	**0**	**(119,704)**	**(97,694)**

MOJAVE DESERT AIR QUALITY MANAGEMENT DISTRICT
Budgeted Sources of Revenue





General Fund Revenue FY 2019

REVENUE TYPES	AMOUNT	% of Total
Permit Fees	4,555,000	59.24%
Antelope Valley AQMD Contract	1,300,250	16.91%
Revenue from Programs	1,141,000	14.84%
State Revenue	329,172	4.28%
Federal Revenue	148,900	1.94%
Application Fees	116,000	1.51%
Fines & Penalties	83,000	1.08%
Interest Revenue	16,000	0.21%
TOTAL	7,689,322	100.00%

Consolidated (All Funds) Revenue FY 2019

REVENUE TYPES	AMOUNT	% of Total
Permit Fees	4,555,000	48.81%
Antelope Valley AQMD Contract	1,300,250	13.93%
Revenue from Programs	2,645,670	28.35%
State Revenue	329,172	3.53%
Federal Revenue	148,900	1.60%
Application Fees	116,000	1.24%
Fines & Penalties	83,000	0.89%
Interest Revenue	154,900	1.66%
TOTAL	9,332,892	100.00%

Mojave Desert AQMD
General Fund Revenue Detail

	Adopted Budget FY 2018	End-ofYear Estimates FY 2018	Proposed Budget FY 2019
Revenues			
Permit Fees			
Permit Fees Rev	4,100,000	4,064,841	4,250,000
Asbestos Demo/Reno Rev	27,000	24,675	25,000
Title V Rev	273,000	280,939	280,000
	4,400,000	4,370,455	4,555,000
Application Fees			
ERC Application Fees	500	842	0
New Source Review Fees	6,500	0	0
Permit Application Fees	74,000	135,065	116,000
Variance Filing Fees	0	464	0
	81,000	136,371	116,000
Federal Revenue			
ARB PM 2.5 Section 103	23,000	43,707	39,000
Section 105 (PSD)	85,000	85,017	85,000
Federal Contracts & Agreements	24,900	12,450	24,900
	132,900	141,174	148,900
Fines & Penalties			
Notice of Violations Fee	82,000	191,591	83,000
	82,000	191,591	83,000
Interest Income			
Interest Revenue	12,000	17,551	16,000
	12,000	17,551	16,000
Other Revenue			
Contracts	1,100,000	1,093,371	1,100,000
Contracts Administrative	213,050	152,343	200,250
Other Revenue	0	576	0
	1,313,050	1,246,290	1,300,250
Revenue from Programs			
Administrative Funding	68,000	13,803	0
AB2766 Program	796,000	975,862	1,050,000
California Clean Air Act	66,000	67,452	67,000
Hot Spots	24,000	12,172	24,000
	954,000	1,069,289	1,141,000
State Revenue			
PERP	40,000	33,106	33,000
State Grants	0	158,172	158,172
State Subvention	138,000	137,896	138,000
	178,000	329,174	329,172
Total General Fund Revenues	**7,152,950**	**7,501,895**	**7,689,322**

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INTRODUCTION

The District's approach to air quality regulations is to be responsible and reliable but always be as approachable as possible with an emphasis on excellent customer service. Continued business and residential growth along with aggressive expansion of very new industries into the District dictate a need to continue to streamline processes, strive for more efficiency and conserve resources while maintaining a high standard of service to the regulated community, economic drivers and public at large. The District executes part of its mission through these programs:

Community Outreach
Through community events, school education programs, publications, social media and business opportunity forums, the District promotes the motto: *"Clean Air is Everybody's Business."* Raising public awareness is a primary District responsibility in order to foster community behaviors that protect local air quality. The District will continue to provide direct support and in-kind services to ***MEEC – Mojave Environmental Education Consortium,*** a public-private non-profit partnership providing environmental education support to local schools.

Daily Air Quality Status & Forecasts:
The District's website, http://www.mdaqmd.ca.gov/, continues to provide the public with daily information on ozone, PM_{10} and $PM_{2.5}$ levels within the MDAQMD's jurisdictional boundaries, in a user-friendly format.

Providing information to the general public may be the most important investment the District can make to impact the future of air quality for the region. Using the internet allows the District to provide the public with the latest version of the District rule book, forms, and air quality information. The District's website is http://www.mdaqmd.ca.gov/. In addition the MDAQMD has a large presence across several different social media platforms where community engagement increases on a daily basis.

Mobile Emissions Reduction Program
This grant program encourages projects sponsored by private or public agencies that will reduce the impact of pollution generated by mobile emissions in the Mojave Desert Air Basin. Funded by fees assessed on motor vehicle registration in the District various public agencies and private entities perform projects that will reduce mobile emissions such as through the use of alternate fuels, equipment and other related projects.

Carl Moyer Memorial Air Quality Standards Attainment Program (known as the Carl Moyer Program) funds the incremental cost of cleaner-than-required engines, equipment, and other sources of air pollution. Implementing the State-funded Carl Moyer Program, the District has received and awarded grant funds to local agencies and private entities' eligible projects.

AIR QUALITY PROGRAMS

AIR MONITORING

The Air Monitoring section administers programs for maintaining, repairing, and calibrating the ambient air monitoring analyzers and system equipment, data acquisition, and meteorological system components. The section also operates and maintains an extensive database from which collected data is analyzed providing information on air quality trends to the District and the public.

Air monitoring stations are located in Barstow, Hesperia, Lucerne Valley, Phelan, Trona, and Victorville. The stations are part of the State and Local Air Monitoring System (SLAMS) network. A data acquisition system collects daily and real time levels of pollutants, meteorological data and station status data from each of the stations. These data are reported to the California Air Resources Board (CARB), Federal Environmental Protection Agency (EPA), and the general public. This information is used to show compliance with ambient air quality standards and to determine attainment status for criteria pollutants. This data is also used to provide pollution episode forecasts and notifications to school systems and the general population of harmful levels of pollution. Air quality conditions are tracked to monitor exceedances to standards that may be caused by exceptional events, such as wild fires or sustained high winds.

Monitoring Particulate. The PM_{10} and $PM_{2.5}$ programs sample ambient air 24 hours/day, seven days/week through Beta Attenuation Mass Monitors (BAMMs) for fine and extremely fine particulate, as required by Federal and State monitoring requirements. This data is available for viewing on the website usually within two hours.

Community Monitors. The Air Monitoring section supports the installation of community air monitoring sensors in accordance with AB 617.

Ozone Mapping. The Ozone Mapping project polls the ambient air monitoring network on an hourly basis and electronically transfers these data to the ARB for viewing from a web site. This data is also presented on the District's web site.

Monitor Support. The Air Monitoring section supports a regional monitor in Twentynine Palms at the Marine Corps Air Ground Combat Center through a contractual arrangement.

ASSIGNED POSITIONS

Deputy Director – Operations
Air Monitoring Supervisor
Air Quality Instrument Technician (3)

Mojave Desert AQMD
General Fund Air Monitoring Personnel Expense Budget

	Approved Budget FY 2018	Estimated Actuals FY 2018	Proposed Budget FY 2019
Personnel Expenses			
Salaries	315,150	376,311	427,840
Payroll Taxes			
Medicare Tax	5,080	7,052	5,405
Workers Compensation	6,215	6,232	6,810
	11,295	13,284	12,215
Benefits			
Section 125	58,942	61,604	66,105
Employee Assistance Plan	315	275	315
Vision Insurance	260	260	280
Life Insurance	480	487	540
Disability Insurance	1,050	1,143	1,295
Other Benefits	0	0	1,460
	61,047	63,769	69,995
Retirement			
Employer Pick-up	22,445	11,277	4,920
Employer Contribution SBCERA	129,173	137,187	143,415
Survivor Match	180	186	185
401(a) Matching Contribution	1,700	2,256	1,700
Retirement Cash	2,160	7,458	12,100
	155,658	158,364	162,320
Total Personnel Expenses	**543,150**	**611,728**	**672,370**

Mojave Desert AQMD
General Fund Air Monitoring Expenses by Department

	Adopted Budget FY 2018	End-of-Year Estimates FY 2018	Proposed Budget FY 2019
Operating Expenses			
Communications			
Telephones	1,500	1,975	2,000
Long Distance Charges	150	353	350
Cellular Phones	500	61	100
Video/Teleconference	100	16	25
Internet	7,000	5,536	5,500
Web Hosting	6,700	4,790	5,000
Tech Support	500	1,017	100
Cable	100	37	40
	16,550	13,785	13,115
Dues & Subscriptions			
Memberships & Sponsorships	750	0	25
Publications & Subscriptions	250	0	25
Professional Dues	500	131	100
	1,500	131	150
Non-Depreciable Inventory			
Furniture & Fixtures Exp	500	424	500
Machinery & Equipment Exp	10,000	26,536	25,000
Safety Equipment Exp	500	246	500
	11,000	27,206	26,000
Legal			
Professional Services			
Payroll Contract	150	107	150
Financial Services	0	282	250
	150	389	400
Maintenance & Repairs			
General Bldg. Maintenance	12,500	5,743	5,000
Custodial Services	6,250	6,220	6,250
Landscaping	850	461	500
Equipment Repair	15,000	20,207	15,000
	34,600	32,631	26,750

Mojave Desert AQMD
General Fund Air Monitoring Expenses by Department

	Adopted Budget FY 2018	End-of-Year Estimates FY 2018	Proposed Budget FY 2019
Training & Travel			
Training	10,000	12,308	10,000
Travel	2,500	1,459	1,500
	12,500	13,767	11,500
Vehicles			
Vehicle Lease	9,500	8,091	8,000
Vehicle Gas & Oil	4,500	4,256	4,500
Vehicle Maintenance	500	992	1,000
Vehicle Repairs	500	(464)	100
Vehicle Insurance	2,500	1,463	1,500
	17,500	14,338	15,100
Office Expenses			
Software	7,500	8,755	6,800
Utilities	9,500	9,011	9,000
Supplies	3,500	3,334	3,000
Facility Leases	6,000	2,533	6,000
Equipment Lease	1,800	1,645	1,800
Postage	50	22	50
Courier	1,000	1,279	1,300
Printing/Shredding Services	300	430	400
Security	500	4,105	500
Liability Insurance	11,000	6,253	6,500
Meeting Expenses	100	28	100
	41,250	37,395	35,450
Program Expenses			
Program Expenditures	0	504	0
	0	504	0
Miscellaneous Expenses			
Miscellaneous Expense	0	8,318	7,500
	0	8,318	7,500
Total Operating Expenses	**135,050**	**148,464**	**135,965**
Capital Expenses			
Buildings	0	4,667	0
Equipment	60,000	56,630	0
Vehicles	25,000	32,102	0
Total Capital Expenses	**85,000**	**93,399**	**0**
Total Expenses	**763,200**	**853,591**	**808,335**

AIR QUALITY PROGRAMS

PLANNING & RULEMAKING

One of the District's primary responsibilities is to promulgate rules and plans in accordance with State and Federal attainment and maintenance planning requirements, to achieve and maintain regional compliance with the various ambient air quality standards. Planning staff serve as the District liaison with regional, State and Federal governments, ensuring District compliance with applicable requirements and significant developments. Planning staff also perform California Environmental Quality Act (CEQA) review and comment functions in the District's role as the expert agency for air quality. Staff in Planning and Rulemaking implement and maintain the following programs.

- California ambient air quality standards attainment planning, as codified in the California Clean Air Act and subsequent state legislation. This program currently focuses on the California ozone standard.
- National ambient air quality standards attainment planning, as codified in the Federal Clean Air Act and subsequent Federal legislation. This program currently focuses on the Federal ozone and PM10 standards.
- Federal General and Transportation Conformity, involving regional project review and comment
- California Environmental Quality Act, requiring local and regional project review
- National Environmental Protection Act, requiring local and regional project review

ASSIGNED POSITIONS

Deputy Director – Mojave Desert Operations
Air Quality Specialist (3)

COMPLIANCE

The District's responsibility is to protect the health and welfare of the public by assisting the regulated community in complying with Federal, State and Local regulatory requirements. This responsibility is carried out through various programs and activities including comprehensive annual inspections performed to verify compliance with air quality regulations; investigation of citizen complaints pertaining to air related matters; legal case development when necessary to address non-complying situations; Federal Asbestos Demolition and Renovation Program; State-mandated Variance Program; Continuous Emissions Monitoring Programs; reporting to the Environmental Protection Agency's AIRS and Significant Violator programs; and source testing. Legal assistance is provided by District Counsel regarding enforcement related activities, such as civil actions, case development, penalty negotiations, and variance hearing board support.

ASSIGNED POSITIONS

Deputy Director – Operations
Compliance Supervisor
Air Quality Specialist (5)

Mojave Desert AQMD

General Fund Planning / Rule Making / Compliance Personnel Expense Budget

	Approved Budget FY 2018	Estimated Actuals FY 2018	Proposed Budget FY 2019
Personnel Expenses			
Salaries	653,821	620,484	740,030
Payroll Taxes			
Medicare Tax	11,302	17,177	12,810
Workers Compensation	13,745	13,251	18,970
Unemployment Insurance	4,500	0	0
	29,547	30,428	31,780
Benefits			
Section 125	117,825	125,073	165,165
Employee Assistance Plan	1,080	562	1,080
Vision Insurance	415	411	450
Life Insurance	840	998	1,365
Disability Insurance	777	1,680	1,985
Tuition Reimbursement	0	260	0
Other Benefits	0	0	3,650
	120,937	128,984	173,695
Retirement			
Employer Pick-up	59,598	21,335	12,360
Employer Contribution SBCERA	252,440	238,216	289,000
Survivor Match	315	371	400
Retirement for Exempt (>30Y)	6,710	0	0
401(a) Matching Contribution	6,055	41	0
Retirement Cash	2,160	6,355	7,150
	327,278	266,318	308,910
Total Personnel Expenses	**1,131,583**	**1,046,214**	**1,254,415**

Mojave Desert AQMD
General Fund Planning / Rule Making / Compliance Expenses by Department

	Adopted Budget FY 2018	End-of-Year Estimates FY 2018	Proposed Budget FY 2019
Operating Expenses			
Communications			
Telephones	4,250	2,977	2,700
Long Distance Charges	100	82	100
Cellular Phones	1,000	475	200
Video/Teleconference	300	235	300
Internet	11,000	7,952	8,000
Web Hosting	8,000	2,119	3,000
Tech Support	0	2,764	0
Cable	250	169	200
Computers	0	308	0
	24,900	17,081	14,500
Dues & Subscriptions			
Memberships & Sponsorships	3,000	32	100
Publications & Subscriptions	500	0	100
Professional Dues	400	446	200
	3,900	478	400
Non-Depreciable Inventory			
Furniture & Fixtures Exp	1,000	849	1,500
Machinery & Equipment Exp	1,000	1,086	1,000
Safety Equipment Exp	1,000	912	1,000
	3,000	2,847	3,500
Legal			
Legal Services	15,000	0	0
	15,000	0	0
Professional Services			
Payroll Contract	450	391	250
Financial Services	0	724	750
Consulting Fees	0	1,253	1,275
	450	2,368	2,275
Maintenance & Repairs			
General Bldg. Maintenance	6,500	4,237	5,000
Custodial Services	4,500	4,044	4,000
Landscaping	600	291	300
Equipment Repair	100	25	25
	11,700	8,597	9,325

Mojave Desert AQMD
General Fund Planning / Rule Making / Compliance Expenses by Department

	Adopted Budget FY 2018	End-of-Year Estimates FY 2018	Proposed Budget FY 2019
Training & Travel			
Training	6,500	6,093	6,500
Travel	5,000	8,956	10,000
Mileage	2,000	2,588	500
Recruitment	0	2,623	0
	13,500	20,260	17,000
Vehicles			
Vehicle Lease	20,000	24,541	24,000
Vehicle Gas & Oil	6,000	7,675	7,000
Vehicle Maintenance	1,500	2,636	1,500
Vehicle Repairs	2,500	0	500
Vehicle Insurance	6,000	5,379	5,000
	36,000	40,231	38,000
Office Expenses			
Software	3,500	322	500
Utilities	6,750	6,159	7,000
Supplies	5,000	6,949	6,000
Facility Leases	1,500	1,576	1,500
Equipment Lease	6,000	5,446	6,000
Postage	1,000	2,503	1,500
Courier	500	154	50
Printing/Shredding Services	1,500	1,734	1,250
Security	400	7,031	400
Liability Insurance	6,000	4,021	4,000
Meeting Expenses	1,000	1,143	1,500
	33,150	37,038	29,700
Program Expenses			
Program Expenditures	0	53,707	0
	0	53,707	0
Miscellaneous Expenses			
Miscellaneous Expense	0	366	0
	0	366	0
Total Operating Expenses	**141,600**	**182,973**	**114,700**
Capital Expenses			
Vehicles	0	24,076	0
Software	50,000	4,163	0
Total Capital Expenses	**50,000**	**28,239**	**0**
Total Expenses	**1,323,183**	**1,257,426**	**1,369,115**

AIR QUALITY PROGRAMS

PERMIT ENGINEERING

One of the District's primary responsibilities is to process applications for permits in accordance with all applicable local, State and Federal regulations. These applications are required for projects which propose industrial and/or commercial processes that have a potential to emit an air contaminant into the atmosphere. The requirements differ widely depending on the type and size of the proposed equipment.

District air quality engineers provide technical reviews of official documents, such as test reports, risk assessments, environmental impact statements and environmental impact report, as well as technical assistance to permit applicants, other agencies, and manufacturers. The District implements and maintains various State and Federal mandated programs:

- ***State and Federal New Source Review, and Federal Prevention of Significant Deterioration Programs.*** These programs are required by state and federal law and ensure that new sources do not cause or contribute to degradation of the ambient air through the application of best available control technology and a no-net-increase permitting program.

- ***Federal Title I & V Permitting Program.*** Title I and Title V of the 1990 Federal Clean Air Act require permits for major sources of air contaminants and certain sources of hazardous air pollutants. These programs require the District to maintain a Federal Permitting Program approved by the Environmental Protection Agency (EPA).

- ***Emissions Inventory.*** The purpose of this program is to inventory sources of criteria air pollutants within the District which is used as a yardstick to determine progress towards attainment and maintaining compliance with National and State Ambient Air Quality Standards. This program is required by State and Federal Law.

- ***Toxic Emissions Inventory***. (Air Toxic "Hot Spot" Information and Assessment Act of 1987) The purpose of this program is to assess the amounts, types and health impacts of air toxics from stationary sources, to require public notification of risks in certain cases, and to reduce impacts from those air toxics.

- ***State Public Notification, Landfill Gas, Oil & Gas Programs***. These programs are required by the State: to implement a program to notify parents of school children when a new or modified source will be located within 1000 feet of a school, to regulate landfill emissions and implement the California Oil & Gas regulation.

ASSIGNED POSITIONS

Deputy Director – Operations
Permit Engineering Supervisor
Air Quality Engineer (4)

Mojave Desert AQMD

General Fund Permit Engineering Personnel Expense Budget

	Approved Budget FY 2018	Estimated Actuals FY 2018	Proposed Budget FY 2019
Personnel Expenses			
Salaries	618,535	701,583	794,990
Payroll Taxes			
Medicare Tax	10,465	15,772	10,810
Workers Compensation	6,180	6,064	6,590
	16,645	21,836	17,400
Benefits			
Section 125	88,443	90,807	99,190
Employee Assistance Plan	765	452	750
Vision Insurance	580	578	630
Life Insurance	720	718	820
Disability Insurance	1,450	2,165	2,480
Other Benefits	0	320	2,200
	91,958	95,040	106,070
Retirement			
Employer Pick-up	45,418	45,577	47,875
Employer Contribution SBCERA	261,385	262,298	289,275
Survivor Match	270	274	215
401(a) Matching Contribution	6,500	4,562	4,000
Retirement Cash	6,720	6,314	4,560
	320,293	319,025	345,925
Total Personnel Expenses	**1,047,431**	**1,137,484**	**1,264,385**

Mojave Desert AQMD
General Fund Permit Engineering Expenses by Department

	Adopted Budget FY 2018	End-of-Year Estimates FY 2018	Proposed Budget FY 2019
Operating Expenses			
Communications			
Telephones	2,500	1,403	1,500
Long Distance Charges	100	45	50
Cellular Phones	750	137	100
Video/Teleconference	250	103	100
Internet	7,500	4,846	4,500
Web Hosting	5,000	1,775	1,800
Tech Support	0	2,415	0
Cable	150	91	100
	16,250	10,815	8,150
Dues & Subscriptions			
Memberships & Sponsorships	1,500	0	100
Publications & Subscriptions	250	235	250
Professional Dues	1,200	315	400
	2,950	550	750
Non-Depreciable Inventory			
Furniture & Fixtures Exp	1,000	1,106	1,500
Machinery & Equipment Exp	500	614	500
Safety Equipment Exp	500	298	300
	2,000	2,018	2,300
Legal			
Legal Notices	1,000	1,505	1,500
	1,000	1,505	1,500
Professional Services			
Payroll Contract	350	175	200
Financial Services	0	684	600
	350	859	800
Maintenance & Repairs			
General Bldg. Maintenance	5,000	3,000	3,250
Custodial Services	3,000	2,667	3,000
Landscaping	400	198	200
Equipment Repair	400	0	50
	8,800	5,865	6,500

Mojave Desert AQMD
General Fund Permit Engineering Expenses by Department

	Adopted Budget FY 2018	End-of-Year Estimates FY 2018	Proposed Budget FY 2019
Training & Travel			
Training	6,500	3,454	6,000
Travel	9,000	1,981	2,000
	15,500	5,435	8,000
Vehicles			
Vehicle Lease	0	2,474	2,500
Vehicle Gas & Oil	1,700	158	150
Vehicle Maintenance	2,000	442	500
Vehicle Repairs	500	0	250
Vehicle Insurance	1,750	933	1,000
	5,950	4,007	4,400
Office Expenses			
Software	2,500	0	0
Utilities	4,000	4,944	4,500
Supplies	4,500	4,390	4,000
Facility Leases	1,250	898	850
Equipment Lease	4,200	3,906	4,200
Postage	2,500	1,355	1,350
Courier	100	0	25
Printing/Shredding Services	500	315	300
Security	250	6,173	250
Liability Insurance	4,500	2,681	2,700
Meeting Expenses	250	65	1,000
	24,550	24,727	19,175
Program Expenses			
Miscellaneous Expenses			
Total Operating Expenses	**77,350**	**55,781**	**51,575**
Capital Expenses			
Total Expenses	**1,124,781**	**1,186,267**	**1,315,960**

AIR QUALITY PROGRAMS

COMMUNITY RELATIONS AND EDUCATION (CRE) PROGRAM

The Mojave Desert Air Quality Management District carries out public outreach and education initiatives to protect public health and ensure that the District's residents have the knowledge to act in their best interest during poor air quality events, and reduce emissions where possible. The initiatives fulfill the requirement of the California Clean Air Act of 1988, Health and Safety Code Section 40918(a): "Each district. . . shall . . . include the following measures in its attainment plan . . . (6) Provisions for public education programs to promote actions to reduce emissions from transportation and area-wide sources."

District-sponsored public outreach and education programs are designed to inform the community about air pollution, its sources, health effects on humans, and damage to the environment. Education is essential in raising public awareness on methods of control and encouraging individual means of reducing air pollution. These programs target many audiences including academia, the general adult population, educators and students from pre-school to college level, as well as businesses and industries via pamphlets, brochures, newsletters, public workshops, conferences, presentations, exhibits, and other multimedia promotions. The District's award-winning Community Relations and Education Office also releases information and provides education on a myriad of social media platforms. CRE is also responsible for coordinating the annual *California Desert Air Working Group Conference (CDAWG),* a regional effort which brings together regulators, environmental and permitted source representatives, and state legislative representatives for training/development opportunities on emerging air quality regulations and topics affecting California's desert regions and beyond.

Media relations through press releases, press conferences, air quality forecasts and health advisories are provided to the local media on an ongoing basis by CRE as a means of keeping the public informed. CRE also participates with High Desert schools on the MDAQMD's flag program and annual Clean Air Month Poster Contest; with the regulated community on the annual Exemplar Awards and the Mojave Green Business Program; High Desert Opportunity, and various environmental fairs, and community awareness activities

ASSIGNED POSITIONS

Deputy Director - Administration
Community Relations & Education Supervisor
Community Relations & Education Specialist

Mojave Desert AQMD

General Fund Community Relations & Education Personnel Expense Budget

	Approved Budget FY 2018	Estimated Actuals FY 2018	Proposed Budget FY 2019
Personnel Expenses			
Salaries	172,425	150,124	152,290
Payroll Taxes			
Medicare Tax	2,756	4,588	0
Workers Compensation	1,935	1,952	1,800
	4,691	6,540	1,800
Benefits			
Section 125	29,502	21,498	33,085
Employee Assistance Plan	315	155	315
Vision Insurance	413	298	300
Life Insurance	240	173	275
Disability Insurance	657	601	750
Other Benefits	0	0	730
	31,127	22,725	35,455
Retirement			
Employer Pick-up	12,115	11,370	0
Employer Contribution SBCERA	67,833	64,595	48,635
Survivor Match	90	67	80
Retirement for Exempt (>30Y)	5,090	0	0
401(a) Matching Contribution	2,575	1,951	500
Retirement Cash	2,160	1,661	0
	89,863	79,644	49,215
Total Personnel Expenses	**298,106**	**259,033**	**238,760**

Mojave Desert AQMD
General Fund Community Relations & Education Expenses by Department

	Adopted Budget FY 2018	End-of-Year Estimates FY 2018	Proposed Budget FY 2019
Operating Expenses			
Communications			
Telephones	800	627	600
Long Distance Charges	50	19	25
Cellular Phones	600	81	100
Video/Teleconference	100	82	100
Internet	3,500	2,139	2,100
Web Hosting	2,000	747	750
Tech Support	0	1,017	0
Cable	75	37	50
Computers	0	1,186	0
	7,125	5,935	3,725
Dues & Subscriptions			
Memberships & Sponsorships	1,000	131	9,000
Publications & Subscriptions	500	0	500
Professional Dues	500	1,031	1,000
	2,000	1,162	10,500
Non-Depreciable Inventory			
Furniture & Fixtures Exp	300	880	1,000
Machinery & Equipment Exp	100	53	100
Safety Equipment Exp	300	287	300
	700	1,220	1,400
Legal			
Professional Services			
Payroll Contract	150	60	75
Financial Services	0	282	250
	150	342	325
Maintenance & Repairs			
General Bldg. Maintenance	5,250	3,013	2,500
Custodial Services	3,250	3,156	3,000
Landscaping	450	234	250
Equipment Repair	250	0	250
	9,200	6,403	6,000

Mojave Desert AQMD
General Fund Community Relations & Education Expenses by Department

	Adopted Budget FY 2018	End-of-Year Estimates FY 2018	Proposed Budget FY 2019
Training & Travel			
Training	1,000	0	1,000
Travel	3,000	1,828	3,000
Mileage	150	0	150
	4,150	1,828	4,150
Vehicles			
Vehicle Lease	0	364	400
Vehicle Gas & Oil	700	546	700
Vehicle Maintenance	1,000	436	500
Vehicle Repairs	500	0	500
Vehicle Insurance	2,500	933	1,000
	4,700	2,279	3,100
Office Expenses			
Software	1,000	0	500
Utilities	4,200	4,845	4,200
Supplies	1,500	2,164	1,750
Facility Leases	700	472	500
Equipment Lease	1,500	1,645	1,500
Postage	100	3	25
Courier	100	0	50
Printing/Shredding Services	1,000	755	750
Security	200	3,198	200
Liability Insurance	5,200	3,172	3,500
Meeting Expenses	100	927	1,000
Community Relations	17,500	10,464	17,500
	33,100	27,645	31,475
Program Expenses			
Program Expenditures	0	1,210	950
Contributions to Other Agencies	90,000	120,000	90,000
	90,000	121,210	90,950
Miscellaneous Expenses			
Total Operating Expenses	**151,125**	**168,024**	**151,625**
Capital Expenses			
Total Expenses	**449,231**	**427,057**	**390,385**

SUPPORT PROGRAMS

EXECUTIVE OFFICES

The Executive Office is responsible to the Governing Board for the general administration and coordination of all District operations and programs, including but not limited to: program planning and streamlining, compliance, permitting, air monitoring, and grant programs oversight, public information, inter and intra agency coordination, committee representation, as well as being responsible for fostering a positive working relationship within our communities and with regulated industry. The Air Pollution Control Officer has statutorily assigned enforcement authority as well as personnel appointment powers as designated in Health and Safety Code §§40750 et seq. The responsibilities of this office include those programs mandated by the Federal Environmental Protection Agency (EPA) and the California Air Resources Board (CARB) and include developing, implementing, and enforcing State and Federally mandated programs designed to attain and maintain ambient air quality standards as they pertain to industrial and commercial stationary (non-mobile) sources. This office monitors state and federal legislation affecting the District and advises the Governing Board on actions required to protect the interests of the District. It also oversees programs for staff and Board professional development.

This office has oversight of the production of agendas and official minutes of all meetings of the District Boards, including the Governing Board, the Hearing Board, Technical Advisory Committee, and any other committees created by Governing Board or the Board Chair. This office maintains the official records for all actions of the boards and distributes copies of orders and directives to appropriate agencies and members of the public as required and/or directed by the respective Board or Committee.

The District Counsel analyzes legislative bills proposed in the California Legislature that may impact the District and provides information to the District Governing Board regarding such legislation.

The Governing Board, with 13 members, meets monthly and members may receive $100 stipend per meeting. The Hearing Board, with 5 members, meets as needed and members may receive $100 stipend per meeting. The Technical Advisory Committee, with 10 members, meets as needed and members may receive $35 stipend per meeting.

DISTRICT COUNSEL

The position of District Counsel serves as general legal counsel to the District providing legal advice and opinions on general laws applicable to the District as well as to air district specific mandates including but not limited to; the Federal Clean Air Act, California Clean Air Act, other applicable State and Federal laws, and the regulations promulgated thereunder. This position also provides official legal interpretations of District adopted rules and regulations for the APCO and staff use. The District Counsel reviews District rules and regulations for compliance with applicable State and Federal laws and regulations, and ensures proper notice and procedures are followed. The District Counsel has the authority to bring civil actions in the name of people of State of California for violations of various air quality laws and regulations. It also provides legal support for the District at Hearing Board proceedings, and supports the permitting and other activities of the District.

The Governing Board may engage "Special Counsel" to provide specialized legal services in particular instances and areas. The scope of the specialized legal services will be forth in the individual contracts for such services.

ASSIGNED POSITIONS

Executive Director/APCO
District Counsel
Senior Executive Analyst - Confidential

Mojave Desert AQMD

General Fund Executive Offices Personnel Expense Budget

	Approved Budget FY 2018	Estimated Actuals FY 2018	Proposed Budget FY 2019
Personnel Expenses			
Salaries	598,419	674,888	588,150
Payroll Taxes			
Medicare Tax	9,405	16,160	8,255
Workers Compensation	5,710	5,359	4,875
Unemployment Insurance	9,000	0	0
	24,115	21,519	13,130
Benefits			
Section 125	83,630	85,997	60,050
Employee Assistance Plan	630	372	400
Vision Insurance	1,240	1,269	1,345
Life Insurance	1,900	614	410
Disability Insurance	2,225	2,477	2,562
Other Benefits	12,000	13,823	15,495
	101,625	104,552	80,262
Retirement			
Employer Pick-up	40,923	31,348	24,605
Employer Contribution SBCERA	235,512	251,004	216,485
Survivor Match	225	228	112
401(a) Matching Contribution	17,175	5,925	13,800
Retirement Cash	11,280	11,268	11,270
	305,115	299,773	266,272
Total Personnel Expenses	**1,029,274**	**1,100,732**	**947,814**

Mojave Desert AQMD
General Fund Executive Offices Expenses by Department

	Adopted Budget FY 2018	End-of-Year Estimates FY 2018	Proposed Budget FY 2019
Operating Expenses			
Communications			
Telephones	1,700	1,450	1,300
Long Distance Charges	50	48	50
Cellular Phones	2,000	489	500
Video/Teleconference	100	27	50
Internet	6,250	4,721	4,500
Web Hosting	4,400	1,242	1,300
Tech Support	0	1,620	0
Cable	200	99	100
Computers	0	1,457	1,457
	14,700	11,153	9,257
Dues & Subscriptions			
Memberships & Sponsorships	7,000	19,370	10,000
Publications & Subscriptions	18,500	17,077	18,500
Professional Dues	1,500	2,376	2,500
	27,000	38,823	31,000
Non-Depreciable Inventory			
Furniture & Fixtures Exp	1,000	513	1,000
Machinery & Equipment Exp	200	451	400
Safety Equipment Exp	300	329	300
	1,500	1,293	1,700
Legal			
Legal Notices	8,500	10,154	10,000
Legal Services	5,000	7,749	5,500
	13,500	17,903	15,500
Professional Services			
Payroll Contract	30,000	18,762	17,670
Financial Services	0	16,934	13,000
Research Studies	0	0	(72)
Consulting Fees	35,000	31,000	45,000
Stipends	12,000	9,715	9,000
	77,000	76,411	84,598
Maintenance & Repairs			
General Bldg. Maintenance	7,000	3,943	4,500
Custodial Services	4,000	4,141	4,000
Landscaping	500	298	300
Equipment Repair	0	15	15
	11,500	8,397	8,815

Mojave Desert AQMD
General Fund Executive Offices Expenses by Department

	Adopted Budget FY 2018	End-of-Year Estimates FY 2018	Proposed Budget FY 2019
Training & Travel			
Training	3,000	449	3,000
Travel	13,000	22,548	25,000
Mileage	3,000	3,977	4,300
	19,000	26,974	32,300
Vehicles			
Vehicle Lease	0	563	600
Vehicle Gas & Oil	200	636	800
Vehicle Maintenance	500	499	300
Vehicle Insurance	1,200	1,000	1,000
	1,900	2,698	2,700
Office Expenses			
Software	24,000	38,837	29,200
Utilities	5,500	5,645	5,500
Supplies	5,500	4,592	5,500
Facility Leases	1,500	1,032	850
Equipment Lease	3,000	3,192	3,200
Postage	500	818	500
Courier	200	77	100
Printing/Shredding Services	500	701	500
Security	250	4,499	250
Liability Insurance	5,000	4,117	4,000
Meeting Expenses	1,000	1,439	1,500
	46,950	64,949	51,100
Program Expenses			
Administrative Expenditures	0	252	252
	0	252	252
Miscellaneous Expenses			
Total Operating Expenses	**213,050**	**248,853**	**237,222**
Capital Expenses			
Software	0	1,206	0
Total Capital Expenses	**0**	**1,206**	**0**
Total Expenses	**1,242,324**	**1,350,791**	**1,185,036**

SUPPORT PROGRAMS

ADMINISTRATIVE SERVICES

Administrative Services manages the financial and administrative matters of the District including accounts payable, accounts receivable and payroll functions which are performed in-house. The District uses the banking services of the San Bernardino County Auditor-Controller for funds on deposit and transfers funds as needed to local commercial banking institutions to perform day-to-day financial transactions. The office prepares the annual budget and controls expenditures by providing information regarding expenditures and the availability of budgeted funds; purchases equipment and supplies; invoices for required fees are issued, collected, deposited and accounted for through the CAPS – Compliance and Permit System.

Managing the District's front office, the fleet, facilities, and risk management are all functions of Administrative Services.

Human Resources is personnel administration, recruitment, employee compensation and management of benefits and is part of Administrative Services.

Technical Services manages the District's technology platforms, related information systems, a video teleconferencing system, and web site administration.

Records Management coordinates the District's paperless system by digitizing records into an electronic storage and retrieval system. It also performs the functions associated with responding to requests made pursuant to the Public Records Act.

The Grants Specialist administers the District's the Mobile Emissions Reduction Program using State and Federal grant programs with direct and pass through funding. Grant resources are obtained from the District's General Fund, the California Carl Moyer Program, and the fees collected under Health & Safety Code §44220 (also known as "AB 2766"), and various other programs.

Community Relations and Education is also a part of Administrative Services as described herein (page 21).

ASSIGNED POSITIONS

Deputy Director – Administration
Finance Manager
Human Resources Analyst - Confidential
Information Systems Specialist (2)
Grants Specialist
Fiscal Specialist
Records Management Specialist
Fiscal Technician
Office Assistant

Also:
Community Relations & Education Supervisor
Community Relations & Education Specialist

Mojave Desert AQMD

General Fund Administrative Services Personnel Expense Budget

	Approved Budget FY 2018	Estimated Actuals FY 2018	Proposed Budget FY 2019
Personnel Expenses			
Salaries	714,451	683,280	872,830
Payroll Taxes			
Medicare Tax	11,513	16,044	16,940
Workers Compensation	7,910	5,816	8,455
	19,423	21,860	25,395
Benefits			
Section 125	122,670	111,410	165,295
Employee Assistance Plan	765	476	500
Vision Insurance	840	859	910
Life Insurance	960	892	1,295
Disability Insurance	2,100	2,582	3,050
Tuition Reimbursement	0	350	350
Other Benefits	0	0	3,650
	127,335	116,569	175,050
Retirement			
Employer Pick-up	50,827	37,134	44,575
Employer Contribution SBCERA	250,700	258,882	371,135
Survivor Match	360	329	360
401(a) Matching Contribution	5,200	0	1,000
Retirement Cash	8,880	9,267	8,880
	315,967	305,612	425,950
Total Personnel Expenses	**1,177,176**	**1,127,321**	**1,499,225**

Mojave Desert AQMD
General Fund Administrative Services Expenses by Department

	Adopted Budget FY 2018	End-of-Year Estimates FY 2018	Proposed Budget FY 2019
Operating Expenses			
Communications			
Telephones	2,000	1,626	1,500
Long Distance Charges	100	51	50
Cellular Phones	1,000	399	150
Video/Teleconference	100	30	30
Internet	7,500	5,259	5,000
Web Hosting	5,000	2,830	3,000
Tech Support	0	1,811	0
Cable	150	111	100
Computers	0	974	18,000
	15,850	13,091	27,830
Dues & Subscriptions			
Memberships & Sponsorships	2,000	7,452	7,000
Publications & Subscriptions	1,000	260	260
Professional Dues	2,000	779	800
	5,000	8,491	8,060
Non-Depreciable Inventory			
Furniture & Fixtures Exp	0	720	1,000
Machinery & Equipment Exp	2,000	162	200
Safety Equipment Exp	500	500	500
	2,500	1,382	1,700
Legal			
Legal Services	31,596	32,554	20,000
	31,596	32,554	20,000
Professional Services			
County Services	1,000	0	1,000
Payroll Contract	250	301	200
Financial Services	20,000	12,273	13,000
Consulting Fees	0	0	15,000
	21,250	12,574	29,200
Maintenance & Repairs			
General Bldg. Maintenance	7,000	6,369	7,000
Custodial Services	4,000	4,092	4,200
Landscaping	550	294	300
Equipment Repair	0	16	0
	11,550	10,771	11,500

Mojave Desert AQMD
General Fund Administrative Services Expenses by Department

	Adopted Budget FY 2018	End-of-Year Estimates FY 2018	Proposed Budget FY 2019
Training & Travel			
Training	5,000	(75)	5,000
Travel	5,000	4,779	4,000
Mileage	100	0	0
Recruitment	0	355	0
	10,100	5,059	9,000
Vehicles			
Vehicle Lease	0	629	700
Vehicle Gas & Oil	250	168	150
Vehicle Maintenance	400	463	150
Vehicle Insurance	550	285	285
	1,200	1,545	1,285
Office Expenses			
Software	12,500	30,140	42,735
Utilities	5,000	5,693	6,000
Supplies	7,500	14,355	12,000
Facility Leases	1,200	1,848	2,000
Equipment Lease	4,000	3,568	3,500
Postage	1,300	914	500
Courier	100	466	500
Printing/Shredding Services	500	665	600
Security	500	4,914	500
Liability Insurance	6,100	4,119	4,000
Meeting Expenses	500	707	600
	39,200	67,389	72,935
Program Expenses			
Administrative Expenditures	0	95	0
	0	95	0
Miscellaneous Expenses			
Total Operating Expenses	**138,246**	**152,951**	**181,510**
Capital Expenses			
Total Expenses	**1,315,422**	**1,280,272**	**1,680,735**

SUPPORT PROGRAMS

DISTRICT WIDE

Shared expenses that are categorized across all cost centers are identified as "District wide," including expenses related to the contract with Antelope Valley Air Quality Management District.

ANTELOPE VALLEY AIR QUALITY MANAGEMENT DISTRICT

The AVAQMD contracts all of its services from the MDAQMD. The contract provides employees to staff a Lancaster office serving the constituents of the Lancaster-Palmdale area. The MDAQMD provides specific expertise allowing for a complete, full service agency. If needed, services and supplies purchased for the AVAQMD are charged at cost. MDAQMD provides all accounting services and financial reporting. Certain administrative functions and support of the AVAQMD is performed in Victorville such as accounting, legal, risk management, and technology support.

ASSIGNED POSITIONS

Deputy Director – Antelope Valley Operations
Air Quality Engineer
Grants Analyst
Air Quality Specialist (2)

Mojave Desert AQMD
General Fund District Wide Personnel Expense Budget

	Approved Budget FY 2018	Estimated Actuals FY 2018	Proposed Budget FY 2019
Personnel Expenses			
Salaries	509,715	1,145,804	850,000
Payroll Taxes			
Medicare Tax	8,800	263	0
Workers Compensation	8,250	318	0
Unemployment Insurance	0	2,327	0
	17,050	2,908	0
Benefits			
Section 125	88,380	4,827	0
Employee Assistance Plan	630	1,080	0
Vision Insurance	0	20	0
Life Insurance	720	36	0
Disability Insurance	1,264	89	0
Tuition Reimbursement	20,700	0	20,700
Other Benefits	0	11,288	0
	111,694	17,340	20,700
Retirement			
Employer Pick-up	38,525	977	0
Employer Contribution SBCERA	180,000	7,519	0
Survivor Match	270	13	0
401(a) Matching Contribution	5,145	4,938	0
Retirement Cash	4,560	555	0
	228,500	14,002	0
Total Personnel Expenses	**866,959**	**1,180,054**	**870,700**

Mojave Desert AQMD
General Fund District Wide Expenses by Department

	Adopted Budget FY 2018	End-of-Year Estimates FY 2018	Proposed Budget FY 2019
Operating Expenses			
Communications			
Video/Teleconference	0	228	0
Web Hosting	0	449	0
Computers	0	675	0
	0	1,352	0
Dues & Subscriptions			
Publications & Subscriptions	0	663	0
	0	663	0
Non-Depreciable Inventory			
Machinery & Equipment Exp	0	161	0
	0	161	0
Legal			
Legal Notices	0	3,274	0
Legal Services	0	29,982	0
	0	33,256	0
Professional Services			
Payroll Contract	150	80	250
Financial Services	0	0	20,000
	150	80	20,250
Maintenance & Repairs			
General Bldg. Maintenance	0	3,817	0
Equipment Repair	0	1,405	0
	0	5,222	0

Mojave Desert AQMD
General Fund District Wide Expenses by Department

	Adopted Budget FY 2018	End-of-Year Estimates FY 2018	Proposed Budget FY 2019
Training & Travel			
Training	500	180	500
Travel	500	1,678	500
	1,000	1,858	1,000
Vehicles			
Vehicle Gas & Oil	0	477	500
Vehicle Maintenance	0	354	0
	0	831	500
Office Expenses			
Software	3,450	5,678	7,500
Supplies	150	4,348	500
Facility Leases	0	2,211	0
Postage	1,000	348	500
Printing/Shredding Services	100	22	0
Meeting Expenses	0	19	0
Community Relations	0	570	0
	4,700	13,196	8,500
Program Expenses			
Program Expenditures	500	2,800	2,500
	500	2,800	2,500
Miscellaneous Expenses			
Bank Fees	4,000	4,543	4,000
Miscellaneous Expense	0	1,116	0
	4,000	5,659	4,000
Total Operating Expenses	**10,350**	**65,078**	**36,750**
Capital Expenses			
Buildings	30,000	10,660	0
Improvements	0	0	15,000
Equipment	0	3,405	60,000
Vehicles	25,000	0	55,000
Software	2,500	0	0
Total Capital Expenses	**57,500**	**14,065**	**130,000**
Total Expenses	**934,809**	**1,259,197**	**1,037,450**

OPERATING EXPENSES

Communications - Services for telephone, internet, video teleconferencing, internet, web hosting, computers, and related tech support.

Dues & Subscriptions, Memberships – Subscriptions the Cal/EPA Newsletters, local newspapers, West Group (legal research), technical, and educational materials. The District participates with other organizations to achieve shared missions. Memberships – California Air Pollution Control Officers Association (CAPCOA) California Special Districts Association (CSDA); Air & Waste Management Association (A&WMA); California Climate Action Registry; National Association Clean Air Agencies (NACAA); Western Regional Air Partnership (WRAP); Rotary Club; American Bar Association; California State Bar Association, and Chambers of Commerce. An allowance per employee is available to pay the dues for up to two professional organizations.

Non-Depreciable Inventory - Small office equipment, desktop PCs and tablets, office furniture, replace clerical and Board chambers seating; safety equipment, all under $5,000.

Legal - Specialized Legal Services – Costs associated with outsourced legal services for Governing Board and Hearing Board support, personnel and labor relations, support for certain enforcement actions, and publication of public notices, as required.

Professional Services – Various third party and/or consulting services including San Bernardino County, annual fiscal audit, actuarial studies, extra or temporary help, outsourced technology and application support. Research Studies – Funds are reserved for special projects and targeted environmental study projects. Stipends - Board member stipend based on estimated number of meetings: Governing Board ($100 per meeting), Hearing Board ($100 per meeting), and Technical Advisory Committee ($35 per meeting).

Maintenance & Repairs – Building and maintenance expenses: custodial, landscaping, HVAC service; pest control, fire extinguisher maintenance, parking lot sweeping, building maintenance services, and general building repair and maintenance. Equipment repair: Air Monitoring station and equipment maintenance and minor repairs (seven stations), office equipment.

Training & Travel - Staff and Board professional development and technical training as needed.

Vehicles - costs for fuel, maintenance, and insurance.

Office Expenses - Supplies, Postage and Courier expenses, Printing and Shredding services, Security, Liability Insurance, Meeting Expenses, and Facility Leases (including equipment leases), Utilities, Community Relations.

Software – Licenses and maintenance for software, network, and equipment; such as operating systems, office suites, anti-virus, program specific software such as Questys, Taleo (performance evaluation software), and Air Vision; software upgrade purchases.

Printing Services – Includes costs for promotional information, District data sheets, annual report, newsletters, poster contest calendars, etc.

Liability Insurance - The District is a member of the Special District Risk Management Authority (SDRMA), a risk management pool for liability insurance and related coverage.

Rents & Leases - Equipment – Digital Copier/Scanner Systems, metered postage machine; Structures – Air Monitoring Stations rent; Vehicles – Rentals used during the course of travel.

Community Relations - Promotional items for community outreach events. Community and public service recognition awards such Exemplar (MDAQMD); special event registration fees.

Program Expenses - Funds designated from the General Fund for specific local area grants. Program Expenses directly attributable to a funding source supporting the corresponding program (AB 2766, Carl Moyer, reimbursing contracts, Title V, PERP program, etc.) are allocated to those specific funding sources.

Contributions to other Agencies - Mojave Environmental Education Consortium (MEEC).

CAPITAL EXPENSES

Buildings – Building improvements and capital projects; safety related improvements.

Equipment Purchases - Replace and upgrade equipment located at air monitoring stations. Replace and upgrade the Board Chambers' sound system.

Software – CAPS (programming for permit tracking system).

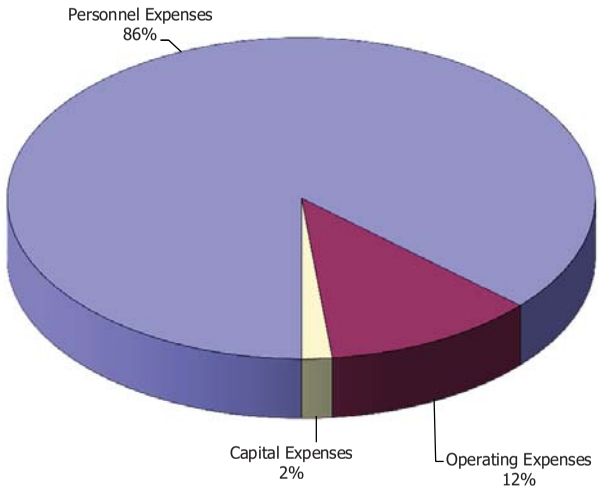
Vehicles - Vehicle Replacement Program (vehicle replacements have been leased through the Enterprise Fleet Maintenance Agreement; beginning FY 18 the District will purchase vehicle replacements). This budget includes replacing two vehicles in the District-owned fleet ($50,000).

MOJAVE DESERT AIR QUALITY MANAGEMENT DISTRICT

Budgeted Expense Analysis

Fiscal Year 2018-19

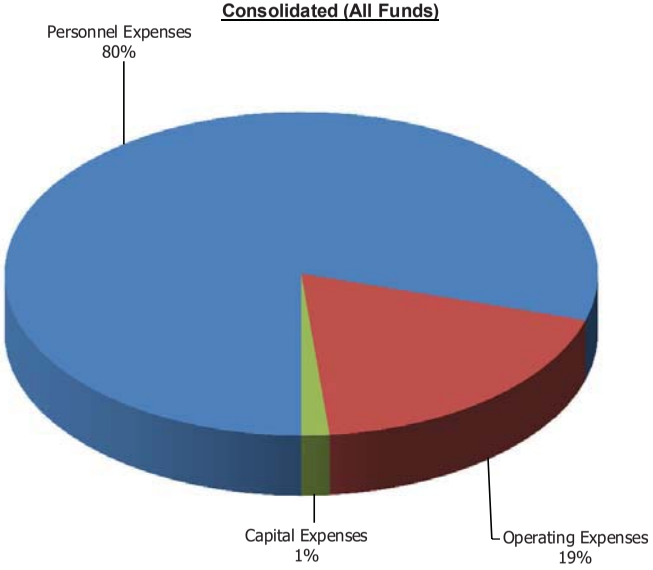
General Fund



General Fund

EXPENSE CATEGORY	AMOUNT	% of Total	
Personnel Expenses	6,747,669	88.12%	% of Operating Costs only (sum total of Personnel and Operating Expenses)
Operating Expenses	909,347	11.88%	
Capital Expenses	130,000	1.67%	% of total
TOTAL	7,787,016		

Consolidated (All Funds)



EXPENSE CATEGORY	AMOUNT	% of Total	
Personnel Expenses	6,777,669	80.87%	% of Operating Costs only (sum total of Personnel and Operating Expenses)
Operating Expenses incl Grants	1,602,963	19.13%	
Capital Expenses	130,000	1.67%	% of total
TOTAL	8,510,632		

Mojave Desert AQMD
General Fund Consolidated Personnel Expense Budget

	Approved Budget FY 2018	Estimated Actuals FY 2018	Proposed Budget FY 2019
Personnel Expenses			
Salaries	3,582,516	4,352,474	4,426,130
Payroll Taxes			
Medicare Tax	59,321	77,056	54,220
Workers Compensation	49,945	38,992	47,500
Unemployment Insurance	13,500	2,327	0
	122,766	118,375	101,720
Benefits			
Section 125	589,392	501,216	588,890
Employee Assistance Plan	4,500	3,372	3,360
Vision Insurance	3,748	3,695	3,915
Life Insurance	5,860	3,918	4,705
Disability Insurance	9,523	10,737	12,122
Tuition Reimbursement	20,700	610	21,050
Other Benefits	12,000	25,431	27,185
	645,723	548,979	661,227
Retirement			
Employer Pick-up	269,851	159,018	134,335
Employer Contribution SBCERA	1,377,043	1,219,701	1,357,945
Survivor Match	1,710	1,468	1,352
Retirement for Exempt (>30Y)	11,800	0	0
401(a) Matching Contribution	44,350	19,673	21,000
Retirement Cash	37,920	42,878	43,960
	1,742,674	1,442,738	1,558,592
Total Personnel Expenses	**6,093,679**	**6,462,566**	**6,747,669**

Mojave Desert AQMD
General Fund Consolidated Expenses by Department

	Adopted Budget FY 2018	End-of-Year Estimates FY 2018	Proposed Budget FY 2019
Operating Expenses			
Communications			
Telephones	12,750	10,058	9,600
Long Distance Charges	550	598	625
Cellular Phones	5,850	1,642	1,150
Video/Teleconference	950	721	605
Internet	42,750	30,453	29,600
Web Hosting	31,100	13,952	14,850
Tech Support	500	10,644	100
Cable	925	544	590
Computers	0	4,600	19,457
	95,375	73,212	76,577
Dues & Subscriptions			
Memberships & Sponsorships	15,250	26,985	26,225
Publications & Subscriptions	21,000	18,235	19,635
Professional Dues	6,100	5,078	5,000
	42,350	50,298	50,860
Non-Depreciable Inventory			
Furniture & Fixtures Exp	3,800	4,492	6,500
Machinery & Equipment Exp	13,800	29,063	27,200
Safety Equipment Exp	3,100	2,572	2,900
	20,700	36,127	36,600
Legal			
Legal Notices	9,500	14,933	11,500
Legal Services	51,596	70,285	25,500
	61,096	85,218	37,000
Professional Services			
County Services	1,000	0	1,000
Payroll Contract	31,500	19,876	18,795
Financial Services	20,000	31,179	47,850
Research Studies	0	0	(72)
Consulting Fees	35,000	32,253	61,275
Stipends	12,000	9,715	9,000
	99,500	93,023	137,848
Maintenance & Repairs			
General Bldg. Maintenance	43,250	30,122	27,250
Custodial Services	25,000	24,320	24,450
Landscaping	3,350	1,776	1,850
Equipment Repair	15,750	21,668	15,340
	87,350	77,886	68,890

Mojave Desert AQMD
General Fund Consolidated Expenses by Department

	Adopted Budget FY 2018	End-of-Year Estimates FY 2018	Proposed Budget FY 2019
Training & Travel			
Training	32,500	22,409	32,000
Travel	38,000	43,229	46,000
Mileage	5,250	6,565	4,950
Recruitment	0	2,978	0
	75,750	75,181	82,950
Vehicles			
Vehicle Lease	29,500	36,662	36,200
Vehicle Gas & Oil	13,350	13,916	13,800
Vehicle Maintenance	5,900	5,822	3,950
Vehicle Repairs	4,000	(464)	1,350
Vehicle Insurance	14,500	9,993	9,785
	67,250	65,929	65,085
Office Expenses			
Software	54,450	83,732	87,235
Utilities	34,950	36,297	36,200
Supplies	27,650	40,132	32,750
Facility Leases	12,150	10,570	11,700
Equipment Lease	20,500	19,402	20,200
Postage	6,450	5,963	4,425
Courier	2,000	1,976	2,025
Printing/Shredding Services	4,400	4,622	3,800
Security	2,100	29,920	2,100
Liability Insurance	37,800	24,363	24,700
Meeting Expenses	2,950	4,328	5,700
Community Relations	17,500	11,034	17,500
	222,900	272,339	248,335
Program Expenses			
Program Expenditures	500	58,221	3,450
Contributions to Other Agencies	90,000	120,000	90,000
Administrative Expenditures	0	347	252
	90,500	178,568	93,702
Miscellaneous Expenses			
Bank Fees	4,000	4,543	4,000
Miscellaneous Expense	0	9,800	7,500
	4,000	14,343	11,500
Total Operating Expenses	**866,771**	**1,022,124**	**909,347**
Capital Expenses			
Buildings	30,000	15,327	0
Improvements	0	0	15,000
Equipment	60,000	60,035	60,000
Vehicles	50,000	56,178	55,000
Software	52,500	5,369	0
Total Capital Expenses	**192,500**	**136,909**	**130,000**
Total Expenses	**7,152,950**	**7,621,599**	**7,787,016**

Mojave Desert AQMD
Special Funds Consolidated Program Budget Detail

	Adopted Budget FY 2018	End-of-Year Estimates FY 2018	Adopted Budget FY 2019
Revenues			
Administrative Funding	94,120	94,120	99,088
AB2766 Program	760,000	483,935	711,966
Carl Moyer Program	615,888	615,888	693,616
Interest Revenue	70,900	138,240	138,900
Total Consolidated Program Revenue	**1,540,908**	**1,332,183**	**1,643,570**
Expenses			
Program Expenditures	1,396,888	1,132,823	693,616
Administrative Expenditures	94,120	94,120	0
OPEB	30,000	30,000	30,000
Financial Services	4,800	4,800	0
Total Consolidated Program Expenses	**1,525,808**	**1,261,743**	**723,616**

Summary of Board Policy and Standard Practice

Treasurer and Controller

(Health & Safety Code § 41245 and § 41246)

California statutes require the Mojave Desert Air Quality Management District Governing Board to appoint a treasurer as the custodian and a controller as the accounting officer of district funds. The law specifically authorizes the appointment of the county treasurer and the county auditor to serve as the district treasurer and district controller. On July 1, 1993, the Governing Board appointed San Bernardino County elected treasurer and elected auditor respectively to serve as district treasurer and district controller. The Governing Board intention in making these two appointments was to maintain the integrity and control over District funds that is achieved by elected officers being custodian and controller of government treasury.

Revolving Accounts

(Revenue and Taxation Code §19551)

California statutes authorize an independent special district to establish revolving funds for the purpose of paying routine expenditures more efficiently and expeditiously. The Governing Board has authorized the District to establish commercial bank accounts to process in house accounts payable for the General fund and the District's grants funds.

Management and Budget

(Governing Board Policy 94-1; Health & Safety Code §§ 40750 et seq.; and § 41260)

The Governing Board has delegated various management and financial authorities to the Executive Director/Air Pollution Control Officer. Additionally, statutory law grants certain administrative, permitting and enforcement authorities to the air pollution control officers of air districts in California. The board delegated authorities includes the discretion to transfer funds within major budget categories, authority to enter into contracts for up to $50,000 for budgeted and $10,000 for unbudgeted items that are of non-emergency nature; and the authority to expend district funds for capital replacement and improvement projects up to the limits established for each project in the budget.

Purchasing Procedures

(MDAQMD Standard Practice 5-4)

The Executive Director/Air Pollution Control Officer has established a Purchasing Procedures Standard Practice delineating the responsibilities of staff authorized to make any purchases.

Investment Practices

(Gov. Code §§ 27000.1 et seq.)

District general funds are deposited with the San Bernardino County Treasurer and are systematically invested as part of the County's investment pool. Interest and other revenues earned on funds are periodically credited to the District's account.

Separate policy documents govern the investment practices for the Deferred Compensation Plan ((457(b)), and the Post Employment Benefit Trust (including "OPEB" and Pension Rate stabilization).

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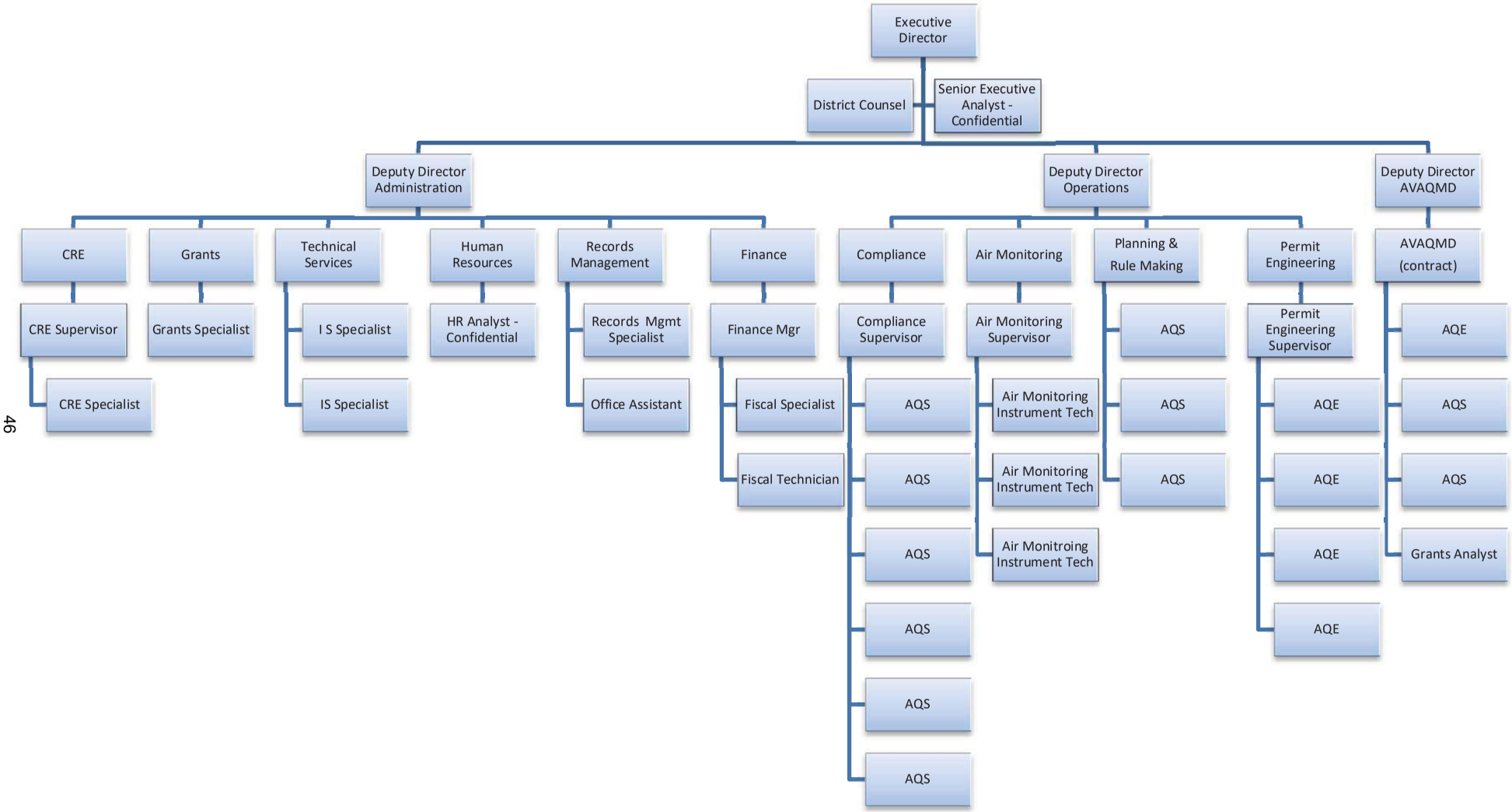
Mojave Desert AQMD
Organizational Chart



MOJAVE DESERT AIR QUALITY MANAGEMENT DISTRICT
TABLE OF ORGANIZATION

Approved FY 18	Approved FY 19	Title of Position	Range	Monthly Salary
1	1	Office Assistant	610	3,193 - 3,891
0	0	Records Management Clerk	615	3,613 - 4,402
1	1	Fiscal Technician	621	4,190 - 5,105
1	0	Administrative Secretary	624	4,512 - 5,498
0	0	Deputy COB/Administrative Secretary	624	4,512 - 5,498
1	1	CRE Specialist	626	4,740 - 5,775
1	1	Records Management Specialist	626	4,740 - 5,775
1	1	Fiscal Specialist	629	5,104 - 6,219
1	1	Grants Specialist	629	5,104 - 6,219
2	2	Information Systems Specialist	629	5,104 - 6,219
3	3	Air Quality Instrument Technician	629	5,104 - 6,219
10	11	Air Quality Specialist	629	5,104 - 6,219
1	0	Human Resources Specialist	629	5,104 - 6,219
0	0	Lead Air Quality Instrument Technician	636	6,068 - 7,394
0	0	Lead Air Quality Planner	636	6,068 - 7,394
0	0	Lead Air Quality Specialist	636	6,068 - 7,394
0	0	Clerk Of The Boards	636	6,068 - 7,394
0	0	Executive Lead	636	6,068 - 7,394
0	1	Human Resources Analyst - Confidential	637	6,219 - 7,577
0	1	Grants Analyst	637	6,219 - 7,577
0	1	Senior Executive Analyst - Confidential	638	6,375 - 7,768
5	5	Air Quality Engineer	640	6,697 - 8,160
1	0	Executive Office Manager	644	7,393 - 9,007
1	1	Air Monitoring Supervisor	644	7,393 - 9,007
1	1	Permit Engineering Supervisor	644	7,393 - 9,007
1	1	Compliance Supervisor	644	7,393 - 9,007
0	0	Lead Air Quality Engineer	644	7,393 - 9,007
0	0	Administrative Services Manager	644	7,393 - 9,007
1	0	Community Relations & Education Manager	644	7,393 - 9,007
0	1	Community Relations & Education Supervisor	644	7,393 - 9,007
1	1	Finance Manager	650	8,574 - 10,446
0	0	Supervising Air Quality Engineer	650	8,574 - 10,446
1	1	Deputy Director MD Operations	657	10,190 - 12,416
1	1	Deputy Director AV Operations	657	10,190 - 12,416
1	1	Deputy Director Administration	657	10,190 - 12,416
1	1	District Counsel	659	10,707 - 13,046
1	1	Executive Director/APCO	N/A	N/A
39.0	40.0			

SALARY SCHEDULE
Effective July 1, 2018

RANGE	1	2	3	4	5	6	7	8	9	5	F	6	G	7	H	MONTHLY
600	14.39	14.75	15.12	15.50	15.88	16.28	16.69	17.11	17.53	17.97	18.42	18.88	19.35	19.84	20.33	2,494 - 3,039
601	14.75	15.12	15.50	15.88	16.28	16.69	17.11	17.53	17.97	18.42	18.88	19.35	19.84	20.33	20.84	2,557 - 3,115
602	15.12	15.50	15.89	16.28	16.69	17.11	17.54	17.98	18.42	18.89	19.36	19.84	20.34	20.85	21.37	2,621 - 3,194
603	15.49	15.88	16.28	16.68	17.10	17.53	17.97	18.42	18.88	19.35	19.83	20.33	20.84	21.36	21.89	2,686 - 3,272
604	15.89	16.28	16.69	17.11	17.54	17.97	18.42	18.88	19.36	19.84	20.34	20.84	21.37	21.90	22.45	2,754 - 3,355
605	16.28	16.69	17.10	17.53	17.97	18.42	18.88	19.35	19.83	20.33	20.84	21.36	21.89	22.44	23.00	2,822 - 3,438
606	16.69	17.11	17.54	17.98	18.43	18.89	19.36	19.84	20.34	20.85	21.37	21.90	22.45	23.01	23.59	2,893 - 3,525
607	17.11	17.53	17.97	18.42	18.88	19.35	19.84	20.33	20.84	21.36	21.90	22.45	23.01	23.58	24.17	2,965 - 3,613
608	17.53	17.97	18.42	18.88	19.35	19.83	20.33	20.84	21.36	21.89	22.44	23.00	23.58	24.17	24.77	3,039 - 3,702
609	17.98	18.43	18.89	19.36	19.84	20.34	20.85	21.37	21.90	22.45	23.01	23.59	24.18	24.78	25.40	3,116 - 3,797
610	18.42	18.88	19.36	19.84	20.34	20.84	21.36	21.90	22.45	23.01	23.58	24.17	24.78	25.40	26.03	3,193 - 3,891
611	18.88	19.35	19.83	20.33	20.84	21.36	21.89	22.44	23.00	23.58	24.17	24.77	25.39	26.02	26.68	3,272 - 3,987
612	19.36	19.84	20.34	20.84	21.37	21.90	22.45	23.01	23.58	24.17	24.78	25.40	26.03	26.68	27.35	3,355 - 4,088
613	19.83	20.33	20.84	21.36	21.89	22.44	23.00	23.58	24.17	24.77	25.39	26.02	26.67	27.34	28.02	3,438 - 4,189
614	20.33	20.84	21.36	21.90	22.44	23.00	23.58	24.17	24.77	25.39	26.03	26.68	27.35	28.03	28.73	3,524 - 4,294
615	20.84	21.36	21.90	22.44	23.01	23.58	24.17	24.77	25.39	26.03	26.68	27.35	28.03	28.73	29.45	3,613 - 4,402
616	21.36	21.90	22.44	23.00	23.58	24.17	24.77	25.39	26.03	26.68	27.35	28.03	28.73	29.45	30.18	3,703 - 4,511
617	21.89	22.44	23.00	23.58	24.17	24.77	25.39	26.02	26.67	27.34	28.02	28.73	29.44	30.18	30.93	3,795 - 4,624
618	22.44	23.01	23.58	24.17	24.77	25.39	26.03	26.68	27.35	28.03	28.73	29.45	30.19	30.94	31.71	3,890 - 4,740
619	23.01	23.58	24.17	24.78	25.40	26.03	26.68	27.35	28.03	28.73	29.45	30.19	30.94	31.72	32.51	3,988 - 4,859
620	23.58	24.17	24.77	25.39	26.03	26.68	27.35	28.03	28.73	29.45	30.18	30.94	31.71	32.51	33.32	4,087 - 4,980
621	24.17	24.78	25.40	26.03	26.68	27.35	28.03	28.74	29.45	30.19	30.95	31.72	32.51	33.32	34.16	4,190 - 5,105
622	24.78	25.40	26.03	26.68	27.35	28.04	28.74	29.45	30.19	30.95	31.72	32.51	33.33	34.16	35.01	4,295 - 5,233
623	25.39	26.03	26.68	27.35	28.03	28.73	29.45	30.19	30.94	31.71	32.51	33.32	34.15	35.01	35.88	4,402 - 5,363
624	26.03	26.68	27.35	28.03	28.73	29.45	30.19	30.94	31.72	32.51	33.32	34.16	35.01	35.88	36.78	4,512 - 5,498
625	26.68	27.35	28.03	28.73	29.45	30.18	30.94	31.71	32.51	33.32	34.15	35.00	35.88	36.78	37.70	4,624 - 5,634
626	27.35	28.03	28.73	29.45	30.19	30.94	31.71	32.51	33.32	34.15	35.01	35.88	36.78	37.70	38.64	4,740 - 5,775
627	28.03	28.73	29.45	30.18	30.94	31.71	32.50	33.31	34.15	35.00	35.88	36.77	37.69	38.63	39.60	4,858 - 5,919
628	28.73	29.45	30.18	30.94	31.71	32.50	33.31	34.15	35.00	35.88	36.77	37.69	38.63	39.60	40.59	4,979 - 6,067
629	29.45	30.18	30.94	31.71	32.51	33.32	34.15	35.01	35.88	36.78	37.70	38.64	39.60	40.60	41.61	5,104 - 6,219
630	30.18	30.94	31.71	32.50	33.31	34.15	35.00	35.88	36.77	37.69	38.63	39.60	40.59	41.60	42.64	5,231 - 6,374
631	30.94	31.72	32.51	33.32	34.16	35.01	35.89	36.78	37.70	38.65	39.61	40.60	41.62	42.66	43.72	5,364 - 6,535
632	31.71	32.50	33.31	34.15	35.00	35.88	36.77	37.69	38.63	39.60	40.59	41.60	42.64	43.71	44.80	5,496 - 6,697
633	32.50	33.32	34.15	35.00	35.88	36.78	37.70	38.64	39.60	40.59	41.61	42.65	43.72	44.81	45.93	5,634 - 6,865
634	33.32	34.15	35.01	35.88	36.78	37.70	38.64	39.61	40.60	41.61	42.65	43.72	44.81	45.93	47.08	5,776 - 7,037
635	34.15	35.00	35.88	36.78	37.69	38.64	39.60	40.59	41.61	42.65	43.71	44.81	45.93	47.08	48.25	5,919 - 7,212
636	35.01	35.88	36.78	37.70	38.64	39.61	40.60	41.61	42.66	43.72	44.81	45.94	47.08	48.26	49.47	6,068 - 7,394
637	35.88	36.78	37.70	38.64	39.60	40.59	41.61	42.65	43.72	44.81	45.93	47.08	48.25	49.46	50.70	6,219 - 7,577
638	36.78	37.70	38.64	39.61	40.60	41.61	42.66	43.72	44.81	45.94	47.08	48.26	49.47	50.70	51.97	6,375 - 7,768
639	37.69	38.64	39.60	40.59	41.61	42.65	43.71	44.81	45.93	47.07	48.25	49.46	50.69	51.96	53.26	6,534 - 7,961
640	38.64	39.60	40.59	41.61	42.65	43.72	44.81	45.93	47.08	48.25	49.46	50.70	51.96	53.26	54.60	6,697 - 8,160
641	39.60	40.59	41.61	42.65	43.72	44.81	45.93	47.08	48.25	49.46	50.70	51.96	53.26	54.59	55.96	6,865 - 8,364
642	40.59	41.61	42.65	43.71	44.81	45.93	47.07	48.25	49.46	50.69	51.96	53.26	54.59	55.96	57.35	7,036 - 8,572
643	41.61	42.65	43.72	44.81	45.93	47.08	48.25	49.46	50.70	51.97	53.26	54.60	55.96	57.36	58.79	7,212 - 8,788
644	42.65	43.72	44.81	45.93	47.08	48.25	49.46	50.70	51.96	53.26	54.60	55.96	57.36	58.79	60.26	7,393 - 9,007
645	43.72	44.81	45.94	47.08	48.26	49.47	50.70	51.97	53.27	54.60	55.97	57.37	58.80	60.27	61.78	7,578 - 9,234
646	44.81	45.94	47.08	48.26	49.47	50.70	51.97	53.27	54.60	55.97	57.37	58.80	60.27	61.78	63.32	7,768 - 9,464
647	45.93	47.08	48.25	49.46	50.70	51.96	53.26	54.60	55.96	57.36	58.79	60.26	61.77	63.31	64.90	7,961 - 9,700
648	47.08	48.25	49.46	50.69	51.96	53.26	54.59	55.96	57.36	58.79	60.26	61.77	63.31	64.89	66.52	8,160 - 9,942
649	48.25	49.46	50.70	51.96	53.26	54.59	55.96	57.36	58.79	60.26	61.77	63.31	64.90	66.52	68.18	8,364 - 10,191
650	49.46	50.70	51.97	53.27	54.60	55.96	57.36	58.80	60.27	61.77	63.32	64.90	66.52	68.19	69.89	8,574 - 10,446
651	50.70	51.97	53.27	54.60	55.97	57.37	58.80	60.27	61.78	63.32	64.91	66.53	68.19	69.90	71.64	8,789 - 10,708
652	51.97	53.27	54.60	55.96	57.36	58.80	60.27	61.77	63.32	64.90	66.52	68.19	69.89	71.64	73.43	9,008 - 10,975
653	53.26	54.59	55.96	57.36	58.79	60.26	61.77	63.31	64.89	66.52	68.18	69.88	71.63	73.42	75.26	9,232 - 11,248
654	54.60	55.96	57.36	58.80	60.27	61.77	63.32	64.90	66.52	68.19	69.89	71.64	73.43	75.27	77.15	9,464 - 11,531
655	55.96	57.36	58.79	60.26	61.77	63.31	64.89	66.52	68.18	69.88	71.63	73.42	75.26	77.14	79.07	9,699 - 11,818
656	57.36	58.79	60.26	61.77	63.31	64.90	66.52	68.18	69.89	71.63	73.42	75.26	77.14	79.07	81.05	9,942 - 12,113
657	58.79	60.26	61.77	63.31	64.89	66.52	68.18	69.88	71.63	73.42	75.26	77.14	79.07	81.04	83.07	10,190 - 12,416
658	60.27	61.77	63.32	64.90	66.52	68.19	69.89	71.64	73.43	75.26	77.15	79.07	81.05	83.08	85.15	10,446 - 12,728
659	61.77	63.32	64.90	66.52	68.19	69.89	71.64	73.43	75.26	77.15	79.07	81.05	83.08	85.15	87.28	10,707 - 13,046
660	63.31	64.89	66.52	68.18	69.88	71.63	73.42	75.26	77.14	79.07	81.04	83.07	85.15	87.28	89.46	10,974 - 13,371
661	64.90	66.53	68.19	69.89	71.64	73.43	75.27	77.15	79.08	81.06	83.08	85.16	87.29	89.47	91.71	11,250 - 13,707
662	66.52	68.18	69.88	71.63	73.42	75.26	77.14	79.07	81.04	83.07	85.15	87.28	89.46	91.69	93.99	11,530 - 14,048
663	68.18	69.89	71.63	73.43	75.26	77.14	79.07	81.05	83.07	85.15	87.28	89.46	91.70	93.99	96.34	11,818 - 14,399
664	69.89	71.64	73.43	75.27	77.15	79.08	81.05	83.08	85.16	87.28	89.47	91.70	94.00	96.35	98.75	12,114 - 14,760
665	71.63	73.42	75.26	77.14	79.07	81.04	83.07	85.15	87.28	89.46	91.69	93.99	96.34	98.74	101.21	12,416 - 15,128
666	73.42	75.26	77.14	79.07	81.05	83.07	85.15	87.28	89.46	91.70	93.99	96.34	98.75	101.22	103.75	12,727 - 15,507
667	75.26	77.14	79.07	81.05	83.07	85.15	87.28	89.46	91.70	93.99	96.34	98.75	101.22	103.75	106.34	13,045 - 15,894
668	77.15	79.08	81.06	83.08	85.16	87.29	89.47	91.71	94.00	96.35	98.76	101.23	103.76	106.35	109.01	13,373 - 16,293
669	79.07	81.05	83.07	85.15	87.28	89.46	91.70	93.99	96.34	98.75	101.22	103.75	106.34	109.00	111.72	13,706 - 16,699
670	81.06	83.08	85.16	87.29	89.47	91.71	94.00	96.35	98.76	101.23	103.76	106.35	109.01	111.74	114.53	14,050 - 17,118

Mojave Desert AQMD
Deignations of Fund Balance

	General Fund		
	Actual 6/30/2017	Actual 4/30/2018	Estimated Change 6/30/2019
Fund Balance Designations			
Operating Cash Reserves	690,000	690,000	765,700
Building Improvement Reserves	200,000	200,000	200,000
Legal & Litigation Reserves	300,000	300,000	300,000
Budget Stabilization	250,000	250,000	250,000
Retirement Liability Reserves	1,000,000	500,000	200,000
Unassigned Fund Balance	293,705	215,423	350,000
Compensated Absences	150,000	150,000	150,000
Prepaid Expenses	91,013	58,263	-
Change in Net Position	(111,031)	(342,815)	-
Projected TOTAL: Reserved and Unassigned Fund Balances	2,863,686	2,020,871	2,215,700

This schedule identifies the designations of the District's fund balance to various reserves for the purposes stated in Governing Board Policy 01-01.

FUND BALANCE DESCRIPTIONS

The Mojave Desert AQMD Fund Balances are designated according to Governing Board Policy 07-01, summarized in the following:

COMMITTED

Operating Cash Reserves - Reserves must represent 10% of operating costs (Operating and Personnel Expenses). The amount designated meets the policy requirements. The fund may be increased to provide protection against uncertain economic times.

Building Improvement Reserves - Reserves are established to provide replacement funds for capital improvements associated with the Park Avenue facility such as carpet, roof repair/replace, parking lot, or structural repair.

Legal and Litigation Reserves - Reserves are established in anticipation of costs associated with ongoing CEQA challenges to rule adoption activities.

Retirement Liability Reserves - Reserves are established to accumulate funds to prepay SBCERA the annual contribution anticipating an annual savings. In future years, contributions will be made periodically yet in advance free from finance charges imposed by SBCERA**.**

ASSIGNED

Prepaid Expenses – Recognizes liability for expenses paid one time annually and recognized incrementally through the fiscal year.

Long Term Receivables Reserves – Reserves are established to recognize the liability of unpaid permit fees related a large complex source awaiting construction.

Budget Stabilization Reserves -Reserves are established to provide resources for moderate budget shortfall.

Compensated Absences Reserves – Reserves are established to offset a portion of liability resulting from employees' accrued leave.

RESTRICTED

Mobile Emissions Reduction Grant (AB 2766) Fund - These funds are collected on motor vehicle registrations ($4 each) in the Mojave Desert jurisdiction. Funds are "allocated on a competitive basis to local government entities and other organizations capable of effectively using funds to reduce mobile emissions." A Work Plan adopted by the Governing Board provides the grant program guidelines.

Carl Moyer Grant Program Funds - These funds may be distributed by the California Air Resources Board for projects obligated by the District under this state regulated program. Projects are awarded on a competitive basis.

OPEB(Other Post-Employment Benefits)**/Pension Rate Stabilization Trust** - The Governing Board authorized establishing this irrevocable Trust with the Public Agency Retirement System (PARS) on November 23, 2009 to ensure the sustainability of the District's health benefits for retirees. Periodic actuarial reports determine liability and the annual budget establishes the deposit amount. The District draws from the investment earnings to offset the cost of retiree health benefits. An adopted investment policy guides the investment strategy to target a rate of return of approximately 7%. The Pension Rate Stabilization Trust holds funds to offset the District's Net Pension Liability and was established on January 23, 2017.

Unassigned Fund Balance - The Unassigned Fund Balance is the representation of the net resources not allocated to the categories described above. This category appears only on the agency Balance Sheet

Mojave Desert AQMD
Consolidated Budget (All Funds)

	Adopted Budget FY 2018	End-of-Year Estimates FY 2018	Proposed Budget FY 2019
Revenues			
Permit Fees	4,400,000	4,370,455	4,555,000
Application Fees	81,000	136,371	116,000
Federal Revenue	132,900	141,174	148,900
Fines & Penalties	82,000	191,591	83,000
Interest Income	82,900	155,791	154,900
Other Revenue	1,313,050	1,246,290	1,300,250
Revenue from Programs	2,424,008	2,263,232	2,645,670
State Revenue	178,000	329,174	307,672
Total Revenues	8,693,858	8,834,078	9,311,392
Expenses			
Personnel Expenses			
Salaries & Wages	3,582,516	4,076,601	4,426,130
Payroll Taxes	122,766	118,375	101,720
Benefits	645,723	548,979	661,227
Retirement	1,742,674	1,444,593	1,558,592
OPEB	30,000	30,000	30,000
Total Personnel Expenses	6,123,679	6,218,548	6,777,669
Operating Expenses			
Communications	95,375	73,212	76,577
Dues & Subscriptions	42,350	50,298	50,860
Non-Depreciable Inventory	20,700	36,127	36,600
Legal	61,096	85,218	37,000
Maintenance & Repairs	87,350	77,886	68,890
Training & Travel	75,750	75,181	82,950
Vehicles	67,250	65,929	65,085
Office Expenses	222,900	272,339	248,335
Program Expenses	1,581,508	1,405,511	787,318
Professional Services	104,300	97,823	137,848
Miscellaneous Expenses	4,000	14,343	11,500
Total Operating Expenses	2,362,579	2,253,867	1,602,963
Capital Expenses			
Buildings	30,000	15,327	0
Improvements	0	0	15,000
Equipment	60,000	60,035	60,000
Vehicles	50,000	56,178	55,000
Software	52,500	5,369	0
Total Capital Expenses	192,500	136,909	130,000
Total Expenses	8,678,758	8,609,324	8,510,632
Due To (From) Reserves	15,100	224,754	800,760

Mojave Desert AQMD
Year to Year Comparison

	Approved Budget FY 2015	Approved Budget FY 2016	Approved Budget FY 2017	Approved Budget FY 2018	Proposed Budget FY 2019
Revenues					
Permit Fees	4,544,450	4,240,000	4,320,000	4,400,000	4,555,000
Application Fees	92,250	89,850	104,768	81,000	116,000
Federal Revenue	146,500	131,615	130,950	132,900	148,900
Fines & Penalties	60,000	60,000	45,000	82,000	83,000
Interest Income	46,650	55,150	104,900	82,900	154,900
Other Revenue	1,221,000	1,314,715	1,300,000	1,313,050	1,300,250
Revenue from Programs	2,231,618	2,267,533	2,294,578	2,424,008	2,645,670
State Revenue	185,000	180,000	189,490	178,000	329,172
Total General Fund Revenues	**8,527,468**	**8,338,863**	**8,489,686**	**8,693,858**	**9,332,892**
Expenses					
Personnel Expenses					
Salaries & Wages	3,379,000	3,595,300	3,630,211	3,582,516	4,426,130
Payroll Taxes	96,950	113,883	86,428	122,766	101,720
Benefits	656,705	659,935	593,631	645,723	661,227
Retirement	1,477,554	1,565,855	1,608,354	1,742,674	1,558,592
OPEB	23,000	23,000	18,000	30,000	30,000
Total Personnel Expenses	**5,633,209**	**5,957,973**	**5,936,624**	**6,123,679**	**6,777,669**
Operating Expenses					
Communications	58,650	55,300	58,460	95,375	76,577
Dues & Subscriptions	27,250	27,275	48,100	42,350	50,860
Non-Depreciable Inventory	35,400	34,325	24,500	20,700	36,600
Legal	114,200	115,700	45,000	61,096	37,000
Maintenance & Repairs	75,375	53,775	75,925	87,350	68,890
Training & Travel	111,300	80,650	82,600	75,750	82,950
Vehicles	95,100	79,800	85,400	67,250	65,085
Office Expenses	261,860	206,700	206,025	222,900	248,335
Program Expenses	1,532,768	1,529,183	1,555,620	1,581,508	787,318
Professional Services	294,910	245,100	139,400	104,300	137,848
Miscellaneous Expenses	5,025	5,000	6,540	4,000	11,500
Total Operating Expenses	**2,611,838**	**2,432,808**	**2,327,570**	**2,362,579**	**1,602,963**
Capital Expenses					
Buildings	160,000	40,000	15,000	30,000	0
Improvements	0	0	0	0	15,000
Equipment	180,000	65,000	60,000	60,000	60,000
Vehicles	0	0	25,000	50,000	55,000
Computers	5,000	50,000	40,000	0	0
Software	150,000	125,000	63,000	52,500	0
Total Capital Expenses	**495,000**	**280,000**	**203,000**	**192,500**	**130,000**
Total Expenses	**8,740,047**	**8,670,781**	**8,467,194**	**8,678,758**	**8,510,632**
Due To (From) Reserves	**(212,579)**	**(331,918)**	**22,492**	**15,100**	**822,260**

BUDGET CATEGORY DESCRIPTIONS

REVENUE	
Permit Fees	
Permit Fees Rev	Initial Operating and Annual Renewal Permit Fees
Asbestos Demo/Reno Rev	Fees for Permits related to Asbestos Removal - Rule 306
Title V Permit Rev	Permit fees for Federal Permit Program
Application Fees	
ERC Application Fees	Emission Reduction Credit-Rule 313
New Source Review	Project Evaluation for Complex Source-Rule 301
Permit Application Fees	Filing of new permits and permit changes
Variance Filing Fees	Filing fee for each petition to District Hearing Board -Rule 303
AG Application Fees	Filing fee for agricultural/farming specific applications
Federal Revenue	
ARB ($PM_{2.5}$ Program)	Federal 103 grant pass through (via CAPCOA) funding to support $PM_{2.5}$ monitoring
Section 105 (PSD)	Federal EPA 105 Pilot Grant (established FY 12) to develop PSD Program
Federal Grants and Agreements	Grant awards and fee for services with federal agencies.
Fine & Penalties	
Excess Emissions Fees	Fee charged when a variance is granted by Hearing Board - Rule 303
Notice of Violations Fees	Fee Charged for unpermitted source, or violation of permit condition
Interest Income	
Interest Revenue	Interest on funds held on deposit or in trust, all funds
Other Revenue	
Contracts	Reimbursement for contracted services: Antelope Valley AQMD, Ft. Irwin, Twentynine Palms Marine Base
Contracts - Administrative	Revenue received for administrative support of the AVAQMD contract
Revenue from Programs	
Administrative Funding	A portion of the Carl Moyer Program pass thru funds are allowed to cover administration costs to administer the program
AB2766 Mobile Emissions Program	Revenue received through DMV vehicle registration
Carl Moyer Admin Funding	A portion of the Carl Moyer Program pass thru funds are allowed to cover administration costs to administer the program
California Clean Air Act Fees	State mandated fee collected on behalf of California Air Resources Board.
Hot Spots	Act of 1987
State Revenue	
PERP State Funds	Portable Engine Registration Program. The State of California collects fees from owners of portable engines and the MDAQMD provides periodic compliance inspections
State Subvention	Funds received from state budget to supplement Air Monitoring/District activities

BUDGET CATEGORY DESCRIPTIONS

PERSONNEL EXPENSES	
Salaries & Wages	
Salaries	Salary costs for regular employees
Payroll Taxes	
Medicare Tax	Mandated employer portion of Medicare contribution
Benefits	
Section 125	Section 125 Cafeteria health benefit contribution
Employee Assistance Plan	Employee Assistance Program
Vision Insurance	Employee benefit for Vision Care
Life Insurance	Employee benefit for life insurance
Disability Insurance	Employee benefit for short term and long term disability
Tuition Reimbursement	Negotiated per Memorandum of Understanding, allowances for employee's choice education program and professional associations
Other Benefits	Deminimis benefits to employees
Workers Compensation	Employer cost for workers compensation insurance
Unemployment Insurance	District's required costs to reimburse the State for costs associated with actual payments made under unemployment insurance.
Retirement	
Employer Pick Up	Employer 7% pickup retirement contribution for employees hired before June 30, 2009; variable pickup for employees hired after July 1, 2009
Employer Contribution SBCERA	Employer required retirement contribution
Survivors Match	Premium for employers share, benefits to survivors in the event of employee's death
Retirement for Exempt (>30Y)	Employee required contributions are not required for employees with 30 years of public service and are paid to the eligible employee as taxable cash.
401(a) Matching Contribution	District match to employee contributions made to Deferred Comp Plan
Reitrement Cash	District paid additional retirement for employeed in exempt groups

BUDGET CATEGORY DESCRIPTIONS

OPERATING EXPENSES	
Communications	Telephones, cellular phones, video teleconferencing, internet, cable service, web hosting, and related tech support
Dues & Subscriptions	District memberships and sponsorships, publications and subscriptions, allowances for professional dues (negotiated two per employee)
Non-Depreciable Inventory	Items purchased for furniture, equipment, machinery, and safety equipment costing less that $5,000
Legal	Outsourced legal services for Governing Board, Hearing Board, personnel and labor relations; publication costs for required notices
Maintenance & Repairs	General building maintenance, custodial services, landscaping, on site equipment repair
Training & Travel	Employee training; professional development and related travel expenses; general travel expenses
Vehicles	Lease costs, gas and oil, maintenance and repair, insurance for District's fleet
Office Expenses	Software, utilities, Supplies, facilitiy leases, equipment leases, postage, courier, printing and shredding services, security, liability insurance, meeting expenses and community relations
Program Expenses	Expenses attributable to the use of special funds: AB 2766 eligible expenses, Carl Moyer grant program expenses, OPEB (retiree health benefits program) related
Professional Services	Support contract expenses: San Bernardino County, third party payroll services, financial services including annual fiscal audit, research studies consulting fees, Board stipends

CAPITAL EXPENSES	
Buildings	Threshold: $5,000
Improvements	Threshold: $5,000
Furniture & Fixtures	Threshold: $5,000
Equipment	Threshold: $5,000
Vehicles	Vehicles not otherwise leased
Computers	Threshold: $5,000
Software	Capitalized costs associated with major application software (CAPS, Questys, AccuFund)

ACRONYMS

AB2766	Enabling legislation of 1990 for collection of fees for mobile source reduction projects (Assembly Bill 2766 was codified in the Health & Safety Code §44220*ff*)
AIRS	Aerometric Information Retrevial System - Compliance data reporting to EPA
APCD	Air Pollution Control District
APCO	Air Pollution Control Officer
AQMD	Air Quality Management District
ARB	Air Resources Board
AVAQMD	Antelope Valley Air Quality Management District
BACT	Best Available Control Technolgoy
CAA	Clean Air Act
CAPCOA	California Air Pollution Control Officers Association
CAPP	Clean Air Patrol Program
CAPS	Compliance and Permit System (permit tracking database)
CARB	California Air Resources Board
CNGVC	California Natural Gas Vehicle Coalition
CRE	Community Relations and Education
CREEC	California Regional Environmental Education Community
CSDA	California Special Districts Association
DAPCO	Deputy Air Pollution Control Officer
EPA	Environmental Protection Agency
ERC	Emmission Reduction Credit
FY	Fiscal Year
ICTC	Interstate Clean Transportation Corridor - a geographic area targeted for providing alternate fuel to goods movement vehicles.
MACT	Maximum Achievable Control for Toxics
MEEC	Mojave Environmental Education Consortium
MDAQMD	Mojave Desert Air Quality Management District
MOU	Memorandum of Understanding between the District and non exempt employees represented by the San Bernardino Public Employees Association
NAAQS	National Ambient Air Quality Standards
NACAA	National Association of Clean Air Agencies
NESHAP	National Emissions Standard for Hazardous Pollutants
NSPS	New Source Performance Standards
OPEB	Other Post Employment Benefits
PARS	Public Agency Retirement Services
PERP	Portable Equipment Registration Program
PSD	Prevention of Significant Deterioration
PTBS	Permit Tracking and Billing System
SDRMA	Special Districts Risk Management Authority
SLAMS	State and Local Air Monitoring Stations
TAC	Technical Advisory Committee
VPN	Virtual Private Network - a secure method of transmitting data via the internet
WRAP	Western Regional Air Partnership

The following page(s) contain the backup material for Agenda Item: Reports: Executive Director.

Agenda Item #

Community Relations & Education Activity Report

July/August 2018

Community Relations & Education Department:

The department has continued to grow its community presence through public presentations and chamber events and has also continued to grow the social media presence of the district.

2018 Exemplar Awards

The CRE department updated the Exemplar Award application packet and distributed it through various channels, including published articles and paid advertising in the Daily Press. Calls for nominations were also published in High Desert Daily, on the District's website and on all District social media platforms.

Community Activities/Press Conferences

The CRE Department supported the "Racing the Sun" Solar Car National Challenge. The teams were featured on the MDAQMD website and in the Daily Press. The department also organized a check presentation ceremony and press conference at Barstow City Hall as the city's public works department received Carl Moyer funds to assist in the cost of replacing a Case skip-loader.

SCAG Update

The CRE Department represented MDAQMD in Los Angeles at the most recent Environmental Justice Working Group meeting to discuss AB 617.

Grants Collaboration

The CRE Department is working closely with Grants Specialist Jorge Camacho to ensure public knowledge of available grants as well as select successful grants awards and their impact on emissions reductions and air quality improvement.

Social Media

MDAQMD is continuing to make social media a priority for information sharing and community engagement. From the beginning of July through the second week of August, the District's Facebook likes increased by 43 percent; Facebook engagement (clicking and/or liking on District

Facebook posts) increased from a weekly average of 62 to 531. In the same July to August (second week) time frame, the District gained 47 new Twitter followers and garnered nearly 40,000 tweet impressions.

CAPCOA

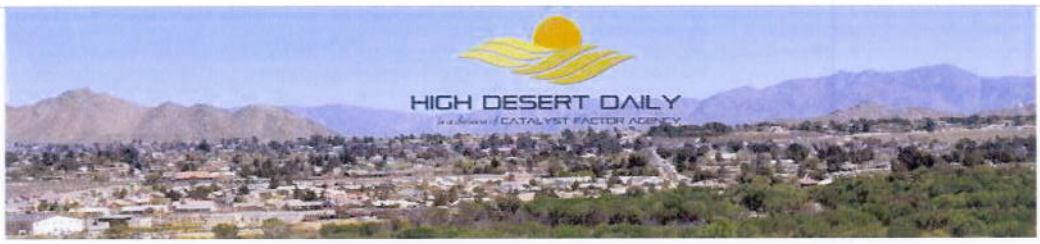
Representatives of the CRE Department attended the CAPCOA public outreach committee meeting and provided updates on agency activity.

Smoke Advisories

Due to the heavy fire activity in Northern California as well as more regional wildlands fires, MDAQMD has released a series of official smoke advisories. Official advisories are only issued when MDAQMD leadership believes air quality could significantly affect the public health.

Press clips

Attached to this report is a sampling of earned media clips, community briefs, selected social media posts and new materials created by the district.



Search ...

ADELANTO, APPLE VALLEY, BARSTOW, BIG BEAR LAKE, HESPERIA, OAK HILL, PHELAN, VICTORVILLE, WRIGHTWOOD, YUCCA

Smoke Advisory in Effect Until Further Notice

BY AUTHOR • AUGUST 7, 2018 • 0 COMMENTS

By Staff Reports

(Victor Valley)— Residents within the Mojave Desert Air Quality Management District this week are feeling the effects of drift smoke from the Holy Fire in Trabuco Canyon, adding to smoke from fires in Northern California also still making its way into the region.

Based on wind pattern forecasts, residents could feel the effects of smoke from the Holy Fire – burning in the Santa Ana Mountains – through Wednesday.

If you can smell smoke, you're breathing smoke. When smoke is present,residents should avoid excessive outdoor exercise or activity.Children, seniors, people with heart or lung disease and physically active adults are at greatest risk during poor air quality events.

MDAQMD urges residents to check local air quality levels by visiting www.AirNow.gov or www.enviroflash.info where you can sign up for text and email alerts with Air Quality forecasts.

MDAQMD is the air pollution control authority and permitting agency for the High Desert portion of San Bernardino County and the Palo Verde Valley in Riverside County. It's governed by a board of 13 members representing nine incorporated municipalities and two counties within its boundaries. Visit www.mdaqmd.ca.gov or follow us on social media @MDAQMD.

– sh

August 2018

M	T	W	T	F	S	S
		1	2	3	4	5
6	7	8	9	10	11	12
13	14	15	16	17	18	19
20	21	22	23	24	25	26
27	28	29	30	31		
« Jul						

LIKE US ON FACEBOOK

August 7, 2018 | HOME, NEWS, Spring Valley Lake | No comments

NEW: Holy Fire Smoke Advisory Today Through Wednesday

Simone Graham – Editor: Mojave Desert Air Basin — Residents within the Mojave Desert Air Quality Management District this week are feeling the effects of drift smoke from the Holy Fire in Trabuco Canyon, adding to smoke from fires in Northern California also still making its way into the region.

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HIGHDESERT

Questions or news tips?
760-951-6235
ktrudgeon@vvdailypress.com

LOCAL DIGEST

APPLE VALLEY
Regional Council on Aging meets Tuesday

High Desert Seniors are invited to attend the High Desert Regional Council on Aging (RCA) monthly meetings. This Council focuses on issues related to successful aging, connecting with essential available services, improving the quality of life, aging in place, and other related topics of interest to Seniors. The Victor Valley RCA meets monthly at 9:30 a.m. on the second Tuesday at the Department of Aging and Adult Services, 17270 Bear Valley Road, Suite 108, Victorville. The August RCA meeting will feature the information on the Clear Captions Phones for the hearing impaired that are available at no cost. Mitch Mcalpine from the Clear Captions Project will review the phone details, how to obtain one and how their program is funded. Representatives from local Senior Centers or groups are urged to participate in the RCA. For information, call 760-995-8100.

VICTORVILLE
Calling all employers — are you compliant?

High Desert Employer Advisory Council in partnership with the Employment Development Department will present "Must Haves for California Businesses. The presentation will provide information necessary to ensure that your business is up-to-date with posting requirements, pamphlets, policies, handbooks, and job descriptions to prevent workplace liabilities. The presentation will take place on Thursday at America's Job Centers of California, 17310 Bear Valley Road, Suite 109, Victorville. Check-in begins at 8:15 a.m.; breakfast at 8:30 a.m.; program from 8:30 to 11:30 a.m. Cost is $40 for non members; $25 for members. For information, call 760-983-0965.

NAACP resumes meetings

After being dark during the month of July, the Victor Valley NAACP Branch 1082 will resume general membership meetings the second Monday of the month at 6 p.m. at the Branch Office, 14240 St. Andrews St., Victorville. Guest speaker will be the new incoming Commander of the California Highway Patrol, Victorville Station. Guests are always welcome, and memberships are appreciated. In addition to attending the eleven monthly meetings, members participate in community activities, clean-up days, parades, youth activities, and town hall meetings, as well as assisting with legal issues. For additional information, call 760-927-7602.

Museum plans ribbon cutting

The Victor Valley Legacy Museum in Old Town Victorville, a sister project to the Apple Valley Legacy Museum at the Apple Valley Inn, invites you to the official ribbon cutting at 4:30 p.m. today at the Santa Fe Trading Co. building, 15492 Seventh Street across from the Veteran's Statue. The ceremony will be followed by museum visits, music, refreshments, and a free raffle. For further information, call 760-985-1918.

Smoke advisory in effect

Holy Fire adds to smoke from Northern California fires drifting into High Desert

Staff Reports

MOJAVE DESERT AIR BASIN — Residents within the Mojave Desert Air Quality Management District this week are feeling the effects of drift smoke from the Holy Fire in Trabuco Canyon, adding to smoke from fires in Northern California also still making its way into the region.

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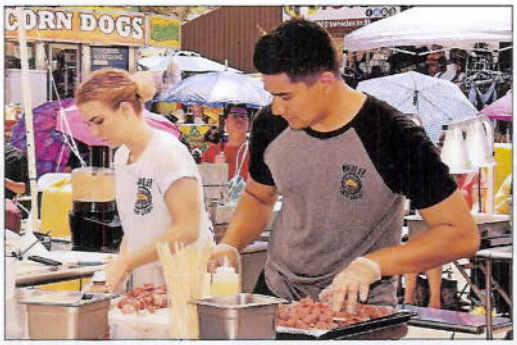
MDAQMD urges residents to check local air quality levels by visiting www.AirNow.gov or www.enviroflash.info where you can sign up for text and email alerts with Air Quality forecasts.

Smoke from the Holy Fire settles in Victorville on Tuesday. The presence of smoke from the Holy Fire, a 4,000-acre fire burning between Orange and Riverside counties, as well as smoke from fire burning in Northern California, has prompted a smoke advisory from MDAQMD for the High Desert through Wednesday. [JAMES QUIGG, DAILY PRESS]

Deep-fried fame



Jessica and Daniel Lopez compete during filming of an episode for "Carnival Kings," a new show that airs on the Cooking Channel. The episode was filmed at the San Bernardino County Fairgrounds. [COURTESY OF SAN BERNARDINO COUNTY FAIR STAFF]

'Carnival Kings' to feature local couple set to air Thursday on Cooking Channel

Michelin-starred chef Richie Farina, host of "Carnival Kings," competes against Jessica and Daniel Lopez during filming of a forthcoming episode at the San Bernardino County Fairgrounds in May. [COURTESY OF SAN BERNARDINO COUNTY FAIR STAFF]

By Matthew Cabe
Staff Writer

VICTORVILLE — Jessica Lopez thought she and her husband, Daniel, were being pranked when they received a seemingly random phone call.

On the line was a Cooking Channel representative who asked the couple if they would take part in an episode of "Carnival Kings," a new show hosted by "Top Chef" alumnus Richie

See CARNIVAL, C6

COMMUNITY

APPLE VALLEY BRANCH LIBRARY LUAU

The Newton T. Bass Apple Valley Branch Library, 14901 Dale Evans Parkway, will be holding a Library Luau from 2 to 4 p.m. Saturday. All residents are welcome to attend. For more information, visit www.sbclib.org.

Adelanto Council meeting: What to watch for

Sewer rate increases, Flores contract on the agenda

Staff reports

ADELANTO — The City Council will convene for its regularly scheduled meeting at 7 p.m. Wednesday inside council chambers in City Hall, 11600 Air Expressway. Notable items on the agenda include:

- Public hearing and adoption of sewer rate hike to cover increases from Burrtec Waste Industries, the city's solid waste management franchise
- Grant two-year extension for zoning entitlement applications for proposed 1,000-bed jail to be operated by GEO Group
- Approve contract agreement with new interim City Manager Jessie Flores, paying him $10,400 per month and suspending his existing consultant agreement for economic development duties while he serves as top administrator
- Approve $88,484

See COUNCIL, C6

THINKING IT THROUGH | C5

COMPLEMENTARY CRISES IN COLLEGE ADMISSIONS AND BLUE COLLAR LABOR EMPLOYMENT

BUSINESS | C3

TIGHTER CURBS ON TECH INVESTMENT

Already threatened by escalating U.S. taxes on its goods, China is about to find it harder to invest in U.S. companies or buy American technology in areas as robotics, artificial intelligence and virtual reality.

Arson fires remain under investigation

About $80K in damages estimated, officials say

By Paola Baker
Staff Writer

BARSTOW — Police and fire officials are still investigating a series of alleged arson fires that caused thousands of dollars in damages last weekend.

Barstow Fire Protection District officials were kept busy early Saturday morning when they responded to reports of a dumpster on fire in the 900 block of E. Williams Street just after 3 a.m. Calls soon started coming in reporting more fires in the vicinity.

Crews arrived and found that a suspect was allegedly setting the fires, according to BFPD Cpt. Travis Espinoza.

"[The suspect] basically walked down the street and was just lighting bushes on fire," Espinoza said.

See ARSON, C6

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Smoky conditions persist

A smoke-filled sky covers the sun in Victorville on Wednesday. Smoke from the Holy Fire in Orange and Riverside counties continues to drift into the High Desert. [JAMES QUIGG, DAILY PRESS]

Holy Fire continues to affect High Desert air quality

By Matthew Cabe
Staff Writer

MOJAVE DESERT AIR BASIN – A smoke advisory will remain in place here as the more than 4,000-acre Holy Fire burning in the Cleveland National Forest continues to affect local air quality.

The Mojave Desert Air Quality Management District (MDAQMD) issued the advisory Tuesday, one day after the blaze started and winds pushed smoke north into the High Desert where it permeated the region.

MDAQMD's wind-pattern forecasts provide a 72-hour model for the expectation of smoke in local air, according to spokesperson Ryan Orr. As such, the advisory was based on where the Holy Fire was in terms of size and regional impact Tuesday morning.

"The determination at that time was based on information available only through Wednesday," Orr said. "We always err on the side of caution, and based on the size and impact of the fire, and in the interest of public health, we're keeping the smoke advisory in effect until further notice and we'll continue to check conditions and post updates as necessary."

As of Wednesday afternoon, the Holy Fire was burning west of Lake Elsinore – about 85 miles south of Victorville – at 5 percent containment, according to the U.S. Forest Service's Inciweb site.

High Desert residents, then, should expect to continue to see and feel the effects of smoke in the region, according to Orr, who said those effects vary from person to person.

"We urge anyone with a medical condition, particularly one affecting the heart or respiratory system, to consult with their doctor before going outside during poor air quality events like the one we're experiencing now," Orr said. "Everyone is so different ... but under these conditions, even the healthiest citizens could

See AIR, A5

Man arrested in connection to starting Holy Fire

The Associated Press

LAKE ELSINORE – Police arrested a man in connection with a Southern California wildfire that has burned 12 cabins and led to new evacuation orders on Wednesday as flames grew nearer to several small communities.

Forrest Gordon Clark, 51, was booked on suspicion of felony arson, making threats and resisting arrest. It's unclear whether he has an attorney.

Clark was being held on a $1 million bail and is set to appear in court Thursday.

He was arrested in connection with the Holy Fire, which has burned nearly 10 square miles (26 square kilometers) in the Santa Ana Mountains and forced a new round of evacuations as it continued inching closer to homes.

"This is a monster," Orange County Supervisor Todd Spitzer said at a news conference. "Who would go out with low humidity and high wind and the highest heat temperatures this time of the year and intentionally set the forest on fire?"

If convicted, Clark would face life in prison, said Susan Schroeder, chief of staff at the Orange County District Attorney's Office.

"Arson's a terrible crime that destroys dreams," Schroeder said. "Even when people are not physically hurt, it can destroy that baby blanket that you held that still smells like your kid or that family portrait of your grandparents getting married."

See ARREST, A5

SPORTS | B1
SWEEP!
The Angels wrapped up a three-game series against the Tigers with another blowout victory Wednesday.

5 THINGS TO DO | A2
CONCERTS, WEDDING EXPO AND MORE
Looking to get out of the house and do something this weekend? Here's a list of five things going on in and around the High Desert.

Victorville Councilwoman Blanca Gomez during the City Council meeting on Tuesday. [JAMES QUIGG, DAILY PRESS]

Facing public statement of disapproval, Gomez believes arrest political

Councilwoman also suggests response to incident will be shaped by personal feelings

By Shea Johnson
Staff Writer

VICTORVILLE – Councilwoman Blanca Gomez said Tuesday evening she believed last week's arrest for allegedly trespassing and obstructing an officer in Hesperia City Hall was political in nature, suggesting that the incident will be viewed differently based on personal feelings of her.

"I think it's a matter of perception, right?" Gomez said shortly after the regular Council meeting. "If I don't like you, my perception is that you did everything wrong. But if I'm your supporter, their perception is, you know, she probably did something right.

"So in the middle of the right and wrong, where is justice?"

Elected officials earlier voted 3-1, with Gomez dissenting and Councilman Eric Negrete absent, to consider in two weeks issuing a formal public statement disapproving of Gomez's behavior.

Councilman Jim Kennedy, who introduced the motion, said the statement would stop short of censure, which he called "complicated." In

See GOMEZ, A5

Volume 81, Issue 283
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News tips: 760-951-6235

Lottery A2
Survival & Hope A3
Nation & World A6
Weather B5
Opinion C4
Health D1

TODAY	FRIDAY	SATURDAY
Mostly sunny	Mostly sunny	Mostly sunny
102° / 69°	96° / 68°	94° / 67°

Smoky conditions persist

A smoke-filled sky covers the sun in Victorville on Wednesday. Smoke from the Holy Fire in Orange and Riverside counties continues to drift into the High Desert. [JAMES QUIGG, DAILY PRESS]

Holy Fire continues to affect High Desert air quality

By Matthew Cabe
Staff Writer

MOJAVE DESERT AIR BASIN – A smoke advisory will remain in place here as the more than 4,000-acre Holy Fire burning in the Cleveland National Forest continues to affect local air quality.

The Mojave Desert Air Quality Management District (MDAQMD) issued the advisory Tuesday, one day after the blaze started and winds pushed smoke north into the High Desert where it permeated the region.

MDAQMD's wind-pattern forecasts provide a 72-hour model for the expectation of smoke in local air, according to spokesperson Ryan Orr. As such, the advisory was based on where the Holy Fire was in terms of size and regional impact Tuesday morning.

"The determination at that time was based on information available only through Wednesday," Orr said. "We always err on the side of caution, and based on the size and impact of the fire, and in the interest of public health, we're keeping the smoke advisory in effect until further notice and we'll continue to check conditions and post updates as necessary."

As of Wednesday afternoon, the Holy Fire was burning west of Lake Elsinore – about 85 miles south of Victorville – at 5 percent containment, according to the U.S. Forest Service's Inciweb site.

High Desert residents, then, should expect to continue to see and feel the effects of smoke in the region, according to Orr, who said those effects vary from person to person.

"We urge anyone with a medical condition, particularly one affecting the heart or respiratory system, to consult with their doctor before going outside during poor air quality events like the one we're experiencing now," Orr said. "Everyone is so different ... but under these conditions, even the healthiest citizens could

See AIR, A5

AIR

From Page A1

feel the effects, especially if engaging in outdoor activities."

With regard to particulate matter (PM) and its effects on the the respiratory system, Orr said anything lower than PM10 is "particularly concerning because it can get deep into the lungs and even enter the bloodstream." Most wildfire smoke, he noted, is PM2.5

The common refrain among agency officials is, "If you can smell smoke, you're breathing smoke." So, when smoke is present, the recommendation is to avoid excessive outdoor exercise or activity. Children, seniors, people with heart or lung disease and physically active adults are at greatest risk during poor air quality events.

Tuesday's smoke advisory, meanwhile, followed one issued Friday after smoke from wildfires in Northern California and Oregon blew into the local basin, according to a post on MDAQMD's official Twitter account.

Smoke from the Tarina Fire near Bakersfield was subsequently added to that advisory. That 2,950-acre fire was contained Sunday, according to a Bakersfield Californian report, and the advisory was lifted Monday.

Matthew Cabe can be reached at MCabe@VVDailyPress.com or at 760-951-6254. Follow him on Twitter @DP_MatthewCabe.

MOJAVE DESERT AIR QUALITY MANAGEMENT DISTRICT
GOVERNING BOARD

******NOTICE OF REGULAR MEETING ******
August 27, 2018

NOTICE IS HEREBY GIVEN that the Governing Board of the Mojave Desert Air Quality Management District (District) will conduct a Regular meeting on Monday, August 27, 2018 at 10:00 a.m.

SAID MEETING will be conducted in the Mojave Desert Air Quality Management District Board Chambers, 14306 Park Avenue, Victorville, CA 92392.

SAID MEETING will also be teleconferenced at:

- **San Bernardino County Government Center, Fifth Floor, 385 N. Arrowhead Ave., San Bernardino, CA 92415**
- **Riverside County Board of Supervisors, 73-710 Fred Waring Drive, Ste. 222, Palm Desert, CA 92260**
- **Blythe City Hall, Conference Room A, 235 N. Broadway, Blythe, CA 92225**

Interested persons may attend and submit oral and/or written comments/statements at the meeting or teleconference location(s). It is requested that written comments/statements be submitted to the Victorville location prior to the meeting.

A copy of the Agenda will be duly posted at the District Headquarters and the teleconference location(s) and may also be reviewed at the Office of Mojave Desert AQMD at 14306 Park Avenue, Victorville, CA 92392.

MOJAVE DESERT AIR QUALITY MANAGEMENT DISTRICT
GOVERNING BOARD

DEANNA HERNANDEZ
SENIOR EXECUTIVE ANALYST
PHONE: (760) 245-1661 extension 6244

MAILED AND POSTED: Tuesday, August 21, 2018
DATE